

BENGAL LEGISLATIVE COUNCIL

ALPHABETICAL LIST OF MEMBERS.

A

1. Abdulla-al-Mahmud, Mr. [Bengal Legislative Assembly.]
2. Ahmed, Mr. Nur. [Chittagong Muhammadan (Rural).]
3. Ahmed, Mr. Sultanuddin. [Dacca North-West Muhammadan (Rural).]

B

4. Badrudduja, Mr. Syed. [Bengal Legislative Assembly.]
5. Barua, Rai Bahadur Dharendra Lal. [Chosen by the Governor.]
6. Bhuiya, Mr. Reajuddin. [Dacca South-East Muhammadan (Rural).]
7. Bourne, Mr. L. P. S. [Bengal Legislative Assembly.]

C

8. Chowdhury, Khan Bahadur Syed Abdur Rasid. [Tippera Muhammadan (Rural).]
9. Chowdhury, Mr. Moazzem Hossein. [Faridpur Muhammadan (Rural).]
10. Chowdhury, Mr. Hamidul Huq. [Bengal Legislative Assembly.]
11. *Chowdhury, Mr. Abdul Hamid, J.P. [Mymensingh West Muhammadan (Rural).]
12. Chowdhury, Khan Bahadur Abdul Latif. [Bengal Legislative Assembly.]
13. Chowdhury, Mr. Syed Fazle Rabbi. [Bakarganj Muhammadan (Rural).]
14. Chowdhury, Mr. Yusuf Ali. [Bengal Legislative Assembly.]
15. Clarke, Mr. C. E. [Bengal Legislative Assembly.]
16. Cohen, Mr. D. J., O.B.E. [Chosen by the Governor.]

D

17. Das, Mr. Lalit Chandra. [Chittagong Division General (Rural).]
18. Das, Mr. Hemendra Kumar. [Dacca Division North General (Rural).]
19. Datta, Mr. Bankim Chandra. [Bengal Legislative Assembly.]
20. Doyne, Mr. Eric Dermot. [European.]
21. Dutt, Mrs. Labanyaprobha. [Chosen by the Governor.]
22. Dutta, Mr. Kamini Kumar. [Bengal Legislative Assembly.]

E

23. Ellahi, Khan Bahadur Sheikh Fazal. [Presidency Division South Muhammadan (Rural).]

G

24. Gofran, The Hon'ble Mr. Abdul. [Noakhali Muhammadan (Rural).]

*Deputy President of the Bengal Legislative Council.

H

25. Haque, Khan Bahadur A. M. Shahoodul. [Bengal Legislative Assembly.]
26. Haque, Sir Md. Azizul, K.C.S.I., C.I.E., Khan Bahadur. [Presidency Division North Muhammadan (Rural).]
27. Hook, Mr. Gerald Joseph Keeman. [European.]
28. Hosain, The Hon'ble Mr. Saiyed Muazzamuddin. [Bengal Legislative Assembly.]
29. Hossain, Mr. Latafat. [Chosen by the Governor.]

J

30. Jaipuria, Mr. Mungturam. [Bengal Legislative Assembly.]
31. Jan, Alhaj Khan Bahadur Shaikh Muhammad. [Bengal Legislative Assembly.]
32. Jana, Mr. Satish Chandra. [Burdwan Division South-West General (Rural).]

K

33. Kabir, Mr. Humayun Z. A. [Bengal Legislative Assembly.]
34. Khan, Alhaj Yar Ali. [Bengal Legislative Assembly.]
35. Khan, Khan Sahib Mobarak Ali. [Rajshahi-cum-Malda Muhammadan (Rural).]

L

36. Latif, Mr. Abdul. [Rangpur Muhammadan (Rural).]

M

37. Maitra, Rai Bahadur Brojendra Mohan. [Rajshahi Division South-East General (Rural).]
38. Majid, Mr. Syed Abdul. [Bengal Legislative Assembly.]
39. Mazumdar, Mr. Haridas. [Bengal Legislative Assembly.]
40. Moholanabish, Mr. Nagendra Nath. [Rajshahi Division North-West General (Rural).]
41. Morgan, Mr. George, C.I.E. [European.]
42. Mukherjee, Mr. Tarak Nath, M.B.E., C.I.E. [Bengal Legislative Assembly.]

N

43. Nahar, Mr. Bijoy Singh. [Calcutta General (Urban).]
44. Nimmo, Mr. T. B. [Bengal Legislative Assembly.]

P

45. Pathan, Khan Bahadur Ghyashuddin. [Mymensingh Muhammadan (Rural).]

R

46. Rahman, Khan Bahadur Mukhlesur. [Rajshahi Division North Muhammadan (Rural).]
47. Rashid, Mr. Abdul. [Burdwan Division Muhammadan (Rural).]
48. Ray, Rai Bahadur Jogendra Nath. [Burdwan Division North-East

49. Ray, Dr. Kumud Sankar. [Dacca Division South General (Rural).]
50. Roy, Mr. Amulyadhone. [Bengal Legislative Assembly.]
51. Roy, Mr. Biren. [Calcutta Suburbs General (Urban).]
52. Roy, Mr. Biswanath. [Presidency Division General (Rural).]
53. Roy, Mr. Patiram. [Bengal Legislative Assembly.]
54. Roy Chowdhury, Mr. Birendra Kishore. [Bengal Legislative Assembly.]
55. Robertson, Miss Ethel, C.S.P. [Chosen by the Governor.]

S

56. Sanyal, Mr. Charu Chandra. [Bengal Legislative Assembly.]
57. Sen, Mr. Satish Chandra. [Chosen by the Governor.]
58. *Singh Roy, The Hon'ble Sir Bijoy Prasad, K.C.I.E. [Bengal Legislative Assembly.]

T

59. Talukdar, Dr. . *Kasiruddin. [Bogra-cum-Pabna Muhammadan (Rural).]
60. Taufiq, Mr. Md. [Bengal Legislative Assembly.]

W

61. Wahiduzzaman, Khan Sahib Maulvi [Bengal Legislative Assembly.]

Y

62. Yusuf, Haji Md. [Calcutta and Suburbs Muhammadan (Urban).]

*President of the Bengal Legislative Council.

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1947—No. 1.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Monday, the 3rd February, 1947, at 2-15 p.m., being the first day of the First Session of 1947, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.), was in the Chair.

Oath of Members.

MR. PRESIDENT: Order, order. Honourable members who have not yet made or subscribed to their oath as required under section 67 of the Government of India Act, 1935, may do so now.

The following members took the oath:—

Mr. Eric Dermot Doyne, and

Mr. Gerald Joseph Keeman Hook.

Obituary References.

MR. PRESIDENT: Order, order. Honourable members of the Council, it is the melancholy duty of the Chair to refer to the demise of some of the illustrious sons of India and some *ex*-members of the Bengal Legislative Council since the House met last.

Pandit Madan Mohan Malaviya died at Benares at a ripe old age on the 10th November, 1946. He was thrice elected President of the Indian National Congress. A man of great erudition, his was a life dedicated to the service of his motherland. One of the greatest educationists he was the founder and life and soul of the Benares University. He was also for a long time a member of the United Provinces Legislative Council and of the Imperial Legislative Council. He took a great part in the debate on the Rowlatt Bill. Pandit Malaviya was a great leader of the Hindu Community. He was also associated with the Hindu Mahasabha movement. In his death India has lost one of her devoted sons and a great patriot.

Mr. Prasanna Deb Raikut, an *ex*-member of the old Bengal Legislative Council and an *ex*-Minister of Bengal, also died during the recess. Mr. Raikut came from an ancient and aristocratic family of North Bengal. He was a generous landlord and a sincere friend. He was a man of amiable disposition and widely respected in Bengal. We all mourn his loss.

Mr. Abdool Rezak Hajee Abdul Suttar who was a member of the Council of State and a member of the old Bengal Legislative Council also died. Mr. Abdool Rezak belonged to a respectable ancient Cutchi Muslim family of Bombay and was connected with various public and charitable organisations in Calcutta. He was one of the leading citizens of the city and was also associated with the Muslim Chamber of Commerce.

Mr. Jalaluddin Hashemy was a member of the old Legislative Council and was also returned to the Bengal Legislative Assembly in 1937 and was later elected as its Deputy Speaker. He was a member of the Calcutta Corporation for a long time. We all mourn his loss.

Nawabzada A. F. M. Abdul Ali also died. He was a member of the Bengal Provincial Civil Service and retired from it several years ago. He

was appointed to the post of Keeper of Imperial Records of the Government of India in 1921. He also officiated on different occasions as Librarian of the Imperial Library. He was the Honorary Secretary, to the Board of Trustee of the Indian Museum. He was also a member and Secretary of the Indian Historical Records. He was the first Indian President of the Calcutta Rotary Club.

Mr. D. C. Ghose who used to be the President of the Calcutta Improvement Trust Tribunal died on the 14th January last. He also served as a Commissioner of the Calcutta Corporation in the old regime and was a member of the old Legislative Council. He was long associated with the late Surendra Nath Banerjee.

May their souls rest in peace.

I would now request the honourable members to rise in their places as a mark of respect to the departed souls.

(Members rose in their places.)

Thank you. Now with the permission of the House I would convey the sympathy of the Legislative Council to the members of the bereaved families.

QUESTIONS AND ANSWERS

Muslim education in Bengal.

1. Mr. NUR AHMED: (a) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether any post-war scheme for rapid spread of education of all kinds among the Muslims of Bengal has been prepared or is being prepared by the Government to be put in operation after the war?

(b) Do the Government of Bengal propose to create a special fund of Rs.25 lakhs for encouragement of Muslim education in Bengal as recommended in the resolution unanimously passed on the 11th August, 1938, in the Bengal Legislative Council?

(c) If not, why not?

(d) What special measures have been taken by the Government for the rapid spread of education among Muslim girls in Bengal?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. Saiyed Muazzamuddin Hosain): (a) Yes.

(b) Government has decided to make a special allotment of Rs.10 lakhs a year for advancement of Muslim education and has for the remaining months of the current year already allotted Rs.4,36,000.

(c) Does not arise.

(d) Special measures taken by Government for the spread of education among the Muslim girls—

(i) establishment of a first grade Arts College in Calcutta—Lady Brabourne College;

(ii) creation of 12 scholarships for students in classes V to X of the Sakhawat Memorial Girls' School, Calcutta;

(iii) creation of 28 scholarships (14 of Rs.6 and 14 of Rs.8 each a month tenable for two years) for the Muslim girls reading in classes VII to X of other Secondary Schools in Bengal;

(iv) creation of 4 scholarships of Rs.8 each a month tenable for four years (awarded on the results of the Junior Madrasah Examination);

(v) creation of two graduate scholarships of Rs.30 each per month tenable for two years;

- (vi) creation of one graduate scholarship of Rs.30 per month tenable for one year at the Dacca University;
- (vii) creation of three training stipends of Rs.30 each per month available for B.T. training;
- (viii) special stipends are also awarded every year from the normal allotment of the Director of Public Instruction for the benefit of Muslim girls in educational institutions, madrasahs, schools, colleges and Universities;
- (ix) out of the allotment of Rs.1,00,000 provided in the current year's Education budget for maintenance grants to madrasahs a sum of Rs.25,000 is being spent for aid to girls' madrasahs; and
- (x) a sum of about Rs.25,000 is also annually spent for aid to madrasahs out of the normal allotment of the Director of Public Instruction for the purpose.

Mr. BIJOY SINGH NAHAR: Sir, I find that the question was to have been answered in 1944. May I know how many such questions remain unanswered and when they will be answered?

Mr. PRESIDENT: I do not think it is possible for the Hon'ble Minister to answer that question. That question might be put to the particular Ministers concerned. In any case, I shall try to find out from the Council Department how many questions are still pending to be answered.

Sir MUHAMMAD AZIZUL HAQUE, Khan Bahadur: Will the Hon'ble Minister please state why this question remained unanswered for such a long time?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: Evidently it was overlooked.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state whether there has been any special allotment of funds for the advancement of education of the members of the other communities?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: For the Scheduled Castes an additional grant of Rs. 5 lakhs is going to be allotted this year.

Mr. LALIT CHANDRA DAS: For other communities, such as Hindus, etc.

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: For Buddhists and Anglo-Indians we have allotted some funds.

Mr. LALIT CHANDRA DAS: May we know why the Hindus have been left out?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: These communities are supposed to be backward in education and for their educational advancement special grants have been provided for.

Supply of more petrol to the bus owners in Comilla.

2. Mr. LALIT CHANDRA DAS: (a) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether quite as many buses as are plying between Comilla and Comanyganj (20 miles), between Comilla and Daudkandi (30 miles), and between Comilla and Laksam (16 miles) are lying idle at Comilla for want of petrol?

(b) Is it a fact that between all these stations, there is a huge concourse of travelling public many of whom have to return disappointed every day for want of even standing accommodation, not to speak of sitting accommodation?

(c) Will Government consider the desirability of issuing more permits or licences to bus owners and arrange to supply them with required petrol to run them in addition to those buses which are now running to remove a long-felt want of the public, particularly in view of the fact that there is no railway communication in the direction of Comilla-Companyganj or Comilla-Mudkandi?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (a) There are three routes, viz., Comilla-Daudandi, Comilla-Companyganj, Comilla-Laksam. On the first route 16 trips per day are made by 16 out of 25 buses. On the second route 9 trips per day are made by 9 out of 16 buses. The service on the Laksam route has been discontinued owing to the increase in the number of train services. No increase in the number of trips is considered necessary at present and it is not a fact that any buses on these routes are lying idle for want of petrol.

(b) No. The number of trips and the accommodation in buses have been increased to cope adequately with the existing traffic.

(c) The power to issue permits is vested in the local Regional Transport authority and not the Provincial Government. The Regional Transport authority have reported that the position will be reviewed sympathetically from time to time. The District Authorities are authorised to issue petrol to stage carriages according to the actual demand.

Security prisoner, Mr. Tarakeswar Prasad Sinha.

3. Rai Bahadur BROJENDRA MOHAN MAITRA (on behalf of Mr. Humayun Kabir): (a) Will the Hon'ble Minister in charge of the Home Department be pleased to state if Tarakeswar Prasad Sinha, a security prisoner in the Dum Dum Central Jail, was a student of Jadabpur Engineering College at the time of his arrest?

(b) Is it a fact that on the 10th September, 1944, he applied to the Government for permission to qualify as an engineer through a postal course offered by the British Institute of Engineer and Technology (London)?

(c) Are the Government prepared to grant him permission for undertaking the course and to help him with necessary fees for the purpose?

The Hon'ble Mr. H. S. SUHRAWARDY: (a) Babu Tarakeswar Prasad Sinha was released from the Bhagalpur Central Jail on 27th December, 1945, on transfer from Bengal. I have no information that he was a student of Jadabpur Engineering College at the time of his arrest beyond his own assertion in a petition.

(b) No.

(c) Does not arise.

Internment of Sj. Chittaranjan Das of Dacca.

4. Rai Bahadur BROJENDRA MOHAN MAITRA (on behalf of Mr. Humayun Kabir): (a) Will the Hon'ble Minister in charge of the Home Department be pleased to state if he is aware that Sj. Chittaranjan Das of village Champakdi, post office Ichapur, in police-station Serajdigha, Dacca, has been home interned in his village?

(b) Is he aware that the said Sj. Chittaranjan Das was a student of the Sec. class in the City College at the time of his restriction?

(c) Is he aware that he has applied to the Registrar, Calcutta University, through the District Magistrate for permission to appear at the B.A. Examination this year?

(d) Is he aware that the said internee's application has not been forwarded to the District Magistrate in spite of repeated reminders?

(e) Is he aware that the said internee has been allowed no allowance or grant for his maintenance or education?

The Hon'ble Mr. H. S. SUHRAWARDY: (a) The order of restriction on this person was cancelled on 11th October, 1945.

(b) to (e) Do not arise.

Detention of Mr. Haripada Das as a security prisoner.

5. Rai Bahadur BROJENDRA MOHAN MAITRA (on behalf of Mr. Humayun Kabir): (a) Will the Hon'ble Minister in charge of the Home Department be pleased to state if he is aware that Mr. Haripada Das of Madaripur is now detained as a security prisoner in the Rajshahi Jail?

(b) Is he aware that the said Mr. Das maintained his family before his detention?

(c) Is he aware that there are five members in the said Mr. Das's family?

(d) Will he please state the amount of allowance sanctioned for maintenance of his family after his arrest?

(e) Have the Government sanctioned any increase in his allowance to neutralise the increase in cost of living?

The Hon'ble Mr. H. S. SUHRAWARDY: (a) He has been released.

(b) to (e) Do not arise.

Security prisoner, Mr. Nirmal Sen of Dacca.

6. Rai Bahadur BROJENDRA MOHAN MAITRA (on behalf of Mr. Humayun Kabir): (a) Will the Hon'ble Minister in charge of the Home Department be pleased to state if he is aware that Mr. Nirmal Sen of Dacca is detained as a security prisoner in the Buxa Special Jail?

(b) Is it a fact that Mr. Sen is a suspected T.B. patient?

(c) What arrangements have the Government made for his treatment?

The Hon'ble Mr. H. S. SUHRAWARDY: (a) He has been released.

(b) and (c) Do not arise.

Admission of sick destitutes to the different hospitals in Calcutta.

7. Mr. HARIDAS MAJUMDAR (on behalf of Rai Bahadur Jogendra Nath Ray): Will the Hon'ble Minister in charge of the Department of Health and Local Self-Government be pleased to state—

(a) the number of admissions of sick destitutes to the different hospitals of Calcutta, since December, 1944, giving the number separately month by month; and

(b) how many of them died in the hospitals, and how many of them were discharged?

Mr. ABDUL RASHID: May I answer the question on behalf of the Hon'ble Minister in charge?

Mr. SULTANUDDIN AHMED: Sir, is it the practice that the Parliamentary Secretary may answer the questions when the Hon'ble Minister is himself present?

Mr. PRESIDENT: It is better that the Hon'ble Minister himself should as far as possible answer the questions.

Mr. HAMIDUL HUQ CHOWDHURY: To be more courteous to the House he should do so.

MINISTER in charge of the DEPARTMENT OF HEALTH AND LOCAL SELF-GOVERNMENT (the Hon'ble Mr. Mohammed Ali): (a) and (b) A statement furnishing the necessary figures from December, 1944, to August, 1946, is laid on the Table.

Statement referred to in reply to question No. 7 showing the number of admissions, discharges and deaths of "Sick destitutes" in the A. G. (Ex-F.R.E.) Hospitals of Calcutta during December, 1944, to August, 1946.

Year.	Month.	Admissions.	Discharges.	Deaths.
1944	.. December	.. 476	329	222
1945	.. January	.. 331	279	150
	February	.. 254	284	97
	March	.. 279	230	115
	April	.. 167	105	82
	May	.. 82	62	43
	June	.. 106	40	48
	July	.. 122	42	62
	August	.. 152	54	51
	September	.. 159	109	68
	October	.. 150	77	64
	November	.. 129	74	61
	December	.. 126	46	63
1946	.. January	.. 213	69	59
	February	.. 120	73	47
	March	.. 127	94	47
	April	.. 113	68	34
	May	.. 107	54	32
	June	.. 146	70	58
	July	.. 133	68	54
	August	.. 90	47	52

Promotion of Indian I.P. to the rank of Deputy Inspector-General.

8. Khan Bahadur CHYASUDDIN PATHAN: Will the Hon'ble Minister in charge of the Chief Minister's Department be pleased to state—

(a) why no Indian I.P. is promoted to the rank of Deputy Inspector-General; and

(b) whether there is any rule or order to the effect that every fifth appointment in the rank of Deputy Inspector-General will go to Indians?

MINISTER in charge of the CHIEF MINISTER'S DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (a) Indian I.P. officers are equally eligible for promotion to the rank of Deputy Inspector-General of Police with European officers and have in fact been promoted.

(b) No.

Khan Bahadur CHYASUDDIN PATHAN: May I know how many of the Indian officers have been promoted to the rank of Deputy Inspector-General within the last 10 years?

The Hon'ble Mr. H. S. SUHRAWARDY: I ask for notice. It is not a matter that I can possibly be aware of.

Mr. HAMIDUL HUQ CHOWDHURY: Is the Hon'ble Minister aware that, under the rules for recruitment to the I.P. service, the age, in the case of Indians, is fixed at between 22 and 24 years whereas in the case of Europeans the age is limited to 22 years. The result is that the Indian officers retire before they attain sufficient seniority to be promoted over the European officers and unless there is a change of policy by the Government there is no chance for some time to come for any Indian to get to the higher posts of Inspector-General or Deputy Inspector-General.

The Hon'ble Mr. H. S. SUHRAWARDY: Instead of asking for information the honourable member is himself supplying me the information.

Mr. PRESIDENT: I do not think that question arises.

Mr. HAMIDUL HUQ CHOWDHURY: It arises in this way, Sir, that promotions are made according to seniority and my question is based on the fact that the Indian officers before they attain sufficient seniority are compelled to retire.

Poundra-Kshattriya,

9. Mr. PATIRAM ROY: (a) Will the Hon'ble Minister in charge of the Chief Minister's Department be pleased to state whether he is aware—

(i) that the Government of Bengal accepted the name Poundra-Kshattriya in place of the caste-name "Pod" in the year 1938; and

(ii) that His Majesty's Government was requested subsequently by the Government of Bengal through the Government of India to substitute the term Poundra-Kshattriya for "Pod" in the Government of India (Scheduled Castes) Order, 1936?

(b) If the answer to part (a) is in the affirmative, will the Hon'ble Minister be pleased to state whether any information as to the amendment of the aforesaid Order has been obtained by the Government of Bengal from the Secretary of State for India?

(c) If not, will the Hon'ble Minister be pleased to state whether he is considering the desirability for moving again His Majesty's Government through the Government of India for the substitution of Poundra-Kshattriya for the name "Pod" in the Government of India (Scheduled Castes) Order, 1936?

The Hon'ble Mr. H. S. SUHRAWARDY: (a) (i) and (ii) Yes.

(b) No.

(c) This Government has already recommended to the Secretary of State through the Government of India that the name of the caste "Pod" in the Scheduled Castes Order should be changed to "Poundra-Kshattriya". The matter now rests entirely with the Secretary of State.

Physical and military training for students of Bengal.

10. Mr. SULTANUDDIN AHMED (on behalf of Mr. Nur Ahmed): Will the Hon'ble Minister in charge of the Home Department be pleased to state whether any plan or scheme has been prepared by the Government of Bengal to impart physical and military training to the students of Bengal high schools and colleges and madrasahs and also to impart physical and military training to the Government officers of Bengal Government between ages 20 to 40 years for a period of one year or two? If not, why not?

The Hon'ble Mr. H. S. SUHRAWARDY: As regards schools and madrasahs, the answer is in the affirmative. It is hoped that improved physical education including elements of military training would be possible to impart in the improved type of secondary schools Government are attempting to set up as a post-war reconstruction measure. For college students, facilities have been provided by the Central Government for military training of a limited number through the U.O.T.C.

2. The Central Government have decided to start a National War Academy and there is a proposal to have feeder institutions attached to it in the Province. The Central Government are also considering the possibilities of establishing a National Cadet Corps for imparting military education in schools and colleges. The proposals are under consideration.

3. Government do not consider it necessary to impart physical training to their officers. Adequate facilities already exist for voluntary military training of Government officers in the A.I.R.O., Auxiliary and Territorial Forces, etc.

Mr. SULTANUDDIN AHMED: With reference to paragraph 2 of the reply, is the feeder institution to be a provincial institution or will it be managed by the Central Government?

The Hon'ble Mr. H. S. SUHRAWARDY: The proposal is under consideration, but I think, generally speaking, that it would be a provincial concern.

Mr. BIJOY SINCH NAHAR: Have the Provincial Government a scheme of their own for physical and military training for students in Bengal?

The Hon'ble Mr. H. S. SUHRAWARDY: I am afraid up till now the Government has not applied its mind to it.

Alleged molestation of a lady pedestrian on the 29th July, 1946, on Chowringhee Road.

11. Miss E. M. ROBERTSON: Will the Hon'ble Minister in charge of the Home Department be pleased to state whether he is aware of the fact that on Monday, the 29th July, 1946, opposite No. 40, Chowringhee Road, certain hooligan element consisting of boys under 14 years of age molested a lady pedestrian walking along the road at 12-30 p.m.? If so will he kindly take steps to eradicate this evil from the city, namely, the molestation of women on the streets of Calcutta by these hooligan boys?

The Hon'ble Mr. H. S. SUHRAWARDY: No such incident was reported to the local police or is known to have occurred. Any specific case brought to notice will be adequately dealt with.

Mr. LALIT CHANDRA DAS: What about the specific case mentioned by the questioner? Was this matter referred to the police for enquiry?

The Hon'ble Mr. H. S. SUHRAWARDY: I regret that this case was not there specifically as it was not possible for us to contact the lady pedestrian unless we knew her name and address.

Mr. LALIT CHANDRA DAS: Was any attempt made to refer this matter to the police so that the police could contact the questioner and get the name of the lady pedestrian?

The Hon'ble Mr. H. S. SUHRAWARDY: No attempt was made.

Mr. LALIT CHANDRA DAS: Regrettable.

Mr. HAMIDUL HUQ CHOWDHURY: Was any attempt made to find out from the lady who put the question further facts about the lady pedestrian?

The Hon'ble Mr. H. S. SUHRAWARDY: As I have said, no attempts were made. Obviously, it is a general event and it has nothing to do with the lady in question. What Miss Robertson evidently asks for is what can be done so that molestation of people by the hooligan element may be stopped, and as far as that is concerned, I hope Government is now sufficiently able both psychologically and physically to cope with the situation.

Shadowing of Mr. Humayun Kabir by the agents of the Intelligence Branch.

12. Mr. BIJOY SINCH NAHAR (on behalf of Mr. Syed Badrudduja): (a) Will the Hon'ble Minister in charge of the Home Department be pleased

to state if he is aware that agents of the Intelligence Branch have been shadowing Mr. Humayun Kabir, a member of this House, since August, 1942?

(b) Will he please state whether these agents were appointed under orders of the Government of Bengal?

(c) (i) What reports, if any, have these agents submitted till now; and (ii) what action, if any, have the Government taken on such reports?

(d) If the reply to part (c)(ii) be in the negative, will the Hon'ble Minister please state why public money has been spent on these agents for so many years?

The Hon'ble Mr. H. S. SUHRAWARDY: (a) No.

(b) to (d) Do not arise.

Police arrangement in Calcutta on the 16th August, 1946.

13. Mr. PATIRAM ROY: (a) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact—

(i) that no police arrangement was made in Calcutta particularly in the wards 19 and 18 on the 16th August, 1946, the date declared as the "Direct Action Day" by the Muslim League;

(ii) that a great many shops in Calcutta were looted by the *goondas* on the very day; and

(iii) that no police help was available to the shopkeepers in spite of soliciting help from the local police-stations?

(b) If the answer to part (a) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons thereof?

(c) Will the Hon'ble Minister be pleased to lay on the Table a copy of the "Duty Charts" of the police (officers and constables) of the police-stations Entally, Taltala, Beniapukur and Bartala in Calcutta, on the 16th and 17th August, 1946?

The Hon'ble Mr. H. S. SUHRAWARDY: (a)(i) No. It is not a fact. But the police arrangements were made on the 16th August.

(ii) Yes. Shops were looted on that day.

(iii) No. As far as possible within the ability of police such help was given.

(b) Does not arise.

(c) All police registers connected with Calcutta disturbances have been sent in original to the Enquiry Committee and therefore no chart of duty on these days could be given.

Attack of Dr. M. N. Dey's house by the hooligans on the 16th August, 1946.

14. Mr. PATIRAM ROY: (a) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact—

(i) that the house of Dr. M. N. Dey, a Professor of the Calcutta Medical College, was raided by hooligans with *lathis*, daggers, etc., on the 16th August, 1946;

(ii) that Dr. Dey informed the police officers of Lalbazar for saving the male and female members of his family and property as well from the hands of the ruffians; and

(iii) that no police help was given to Dr. Dey at that time?

(b) If the answer to part (a) is in the affirmative, will the Hon'ble Minister be pleased to state who were the hooligans and why the police officers did not care to take steps in this matter?

(c) Did the Government communicate the orders to the police in Calcutt not to take steps whatsoever against the looting, robbery, theft, etc., on th 16th and 17th August, 1946?

The Hon'ble Mr. H. S. SUHRAWARDY: (a)(i) and (ii) It has been ascertained from Dr. Dey that on the 16th August, 1946, at about 1 p.m., a large mob attacked his house at P/32, Ganesh Chandra Avenue, and caused damage. Dr. Dey rang up Lalbazar.

(iii) On the 16th August, 1946, when the information came the force was all out in other areas. So no party could be sent at the time from Lalbazar.

(b) The identity of the hooligans is unknown, *vide* reply to (a)(iii) above.

(c) No.

Communal riot in Calcutta on the 16th August, 1946.

15. Mr. HARIDAS MAZUMDAR (on behalf of Rai Bahadur Jogendra Nath Ray): Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(a) cause or causes of the communal riot continuing on the 16th August, 1946;

(b) the number of (i) deaths, (ii) wounded persons, and (iii) houses burnt or looted, giving separately the number of Hindus and Muslims;

(c) the steps taken by the Government to bring the situation under control; and

(d) if he will make a general statement on the whole subject?

The Hon'ble Mr. H. S. SUHRAWARDY: (a) to (d) These matters have been referred to an Enquiry Commission appointed by the Government of Bengal, and Government do not consider that it would be proper to anticipate the findings of the Commission before its report is submitted.

Strike of the staff of the Imperial Bank of India.

16. Mr. NACENDRA NATH MOHOLANABISH: (a) Will the Hon'ble Minister in charge of the Finance Department be pleased to state if he is aware that all the branches of the Imperial Bank of India working in this Province have ceased to function owing to the strike of its staff?

(b) If so, have the Government taken any steps to provide facilities for the public to cash pay orders issued by the Government in all its departments upon the Imperial Bank branches?

(c) If not, do the Government propose to take immediate steps to provide such facilities?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. MOHAMMED ALI): (a) Yes; the strike has since been called off with effect from the 16th September, 1946.

(b) Arrangements were made for the carrying out of treasury functions in the banking treasuries as far as possible during the period of the strike.

(c) Does not arise.

Recommendations of Mr. Kirby, Rationing Adviser to the Government of India, regarding balanced diet, milk scheme and midday feeding in schools, etc.

17. Mr. SULTANUDDIN AHMED (on behalf of Mr. Nur Ahmed):

(a) Will the Hon'ble Minister in charge of the Department of Health and Local Self-Government be pleased to state if the attention of Government of Bengal has been drawn to the recommendations of Mr. Kirby, the Rationing Adviser to Government of India, regarding vital importance of balanced

diet, industrial canteens, milk scheme, midday feeding of school children, opening of nutrition restaurants to display model food and to train people to prepare balanced food, food advice centres for disseminating knowledge about balance food?

(b) If so, have the Government of Bengal taken any step so far to implement any of these recommendations?

(c) If so, what are they?

(d) If not, why not?

The Hon'ble Mr. MOHAMMED ALI: (a) Yes.

(b) to (d) Government in the Health and Local Self-Government Department have already approved a Public Health Nutrition scheme, as a post-war development measure, which envisages the creation of a nutritional organisation at the Provincial Headquarters. Its function will mainly include periodical nutritional health survey, studying the composition of foods available in the Province, investigation into the problem of technology of foods with a view to better utilisation and conservation of nutritive factors of foods, arranging short course of training on dietaries, organising propaganda of food and nutrition, etc.

A scheme for setting up a model nutrition restaurant is under preparation in the Directorate of Rationing.

Government in the Education Department have got a tiffin scheme for boys and girls of aided high schools and senior madrasahs of Bengal (including Calcutta) with an annual provision of Rs.45,000. That Department also contributes towards a school-feeding scheme of the All-India Institution of Hygiene and Public Health for primary and secondary school children in the Singur Health Unit.

As regards industrial canteens, the policy of Government is to encourage the establishment of cooked food canteens at factories and for this purpose an allotment of rationed articles up to 50 per cent. of the normal allotment is sanctioned by the Rationing Directorate. As far as information is available, there are 283 canteens set up by factory authorities or other parties supplying meals or snacks and tea or both, which cater to 171,000 labourers and other persons daily.

Government have no milk scheme of their own but it is understood that several factories and such charitable institutions as the Indian Red Cross Society who are financed by the Government have made arrangements for supplying milk free or at concessional rates to certain classes of persons.

Creation of the post of Additional Surgeon to the Calcutta Medical College.

18. Mr. CHARU CHANDRA SANYAL: (a) Will the Hon'ble Minister in charge of the Department of Health and Local Self-Government be pleased to state when and under what circumstances the post of Additional Surgeon to the Calcutta Medical College Hospital was created?

(b) How many B.M.S. and non-B.M.S. men were appointed to the post from 1936 to 1946? What was the tenure of service of each one of them?

(c) Was there any application from a senior B.M.S. or B.G.S. man with F.R.C.S. qualification for the post in 1941? Did he serve as Senior Surgeon in the Emergency Medical Service in the Medical College from 1941 to 1944? If so, what was the record of his service?

(d) Was any one outside B.M.S. appointed to the post between 1941 to 1944 in preference to the said F.R.C.S.? If so, what was the reason?

(e) Did the said F.R.C.S. send a memorial to His Excellency the Governor of Bengal in 1944? If so, what was the result?

The Hon'ble Mr. MOHAMMED ALI: (a) The post of Additional Surgeon, Medical College Hospital, Calcutta, was created in July, 1923, for the proper and efficient working of that hospital.

(b) Two B.M.S. and one non-B.M.S. men were appointed to the post from 1936 to 1946. Their tenure of service is shown below—

Dr. P. N. Roy, F.R.C.S. (ENG.), non-B.M.S., held the post for 5 years from 17th June, 1936, to 16th June, 1941.

Dr. M. Ameen, B.M.S., held the post from 17th June, 1941, to 8th January, 1942, and again from 17th November, 1944, to 23rd March, 1945.

Dr. Tinkari Acharjee, B.M.S., has been appointed to act in the post since 22nd October, 1945.

During the intervening periods the work of the post was managed by internal arrangement.

(c) Yes. Dr. S. C. Sinha, F.R.C.S. (EDIN.), Professor of Anatomy, of the B.G.S. (formerly of B.M.S.), applied for the post in 1941. He served as Senior Surgeon in the Emergency Medical Service in the Medical College Hospital, Calcutta. His work appears to have been satisfactory.

(d) None outside the B.M.S. was appointed to the post between 1941 to 1944. Dr. M. Ameen, the then B.M.S. incumbent of the post, was deputed for A.R.P. work for some time. But as he was permitted to retain a lien on the post of Additional Surgeon, Medical College Hospital, Calcutta, the work of the post during his absence was managed by the Second Honorary Additional Surgeon of the Medical College Hospital by way of internal arrangement.

(e) Yes. His Excellency considered the memorial and decided that the memorialist could be considered for appointment to a senior Surgical post in the Medical College Hospital only after he had replenished his surgical skill by serving for a year as a teacher of surgery in a medical school.

Mr. CHARU CHANDRA SANYAL: From answer (c) it appears that Dr. S. C. Sinha served as a Senior Surgeon in the Emergency Medical Service in the Medical College Hospital, Calcutta, and it appears also from answer (c) that he could be considered for appointment as such after he had replenished his surgical skill, etc. But will the Hon'ble Minister be pleased to state whether serving as Senior Surgeon in the Emergency Medical Service was not sufficient qualification for this appointment and was it not sufficient to replenish his surgical skill?

Mr. PRESIDENT: That is asking for information.

Mr. CHARU CHANDRA SANYAL: Sir, it is a point for information. Because the Hon'ble Minister has said in the answer that "He served as a Senior Surgeon in the Emergency Medical Service in the Medical College Hospital, Calcutta."

The Hon'ble Mr. MOHAMMED ALI: It was for a very short period.

Mr. CHARU CHANDRA SANYAL: Was it not sufficient for replenishing his surgical skill?

The Hon'ble Mr. MOHAMMED ALI: That was not considered sufficient for the purpose of holding a high post in the Surgical Department in the Medical College, Calcutta. Moreover, he must also have teaching experience, because the Professor of Surgery is also Professor of Clinical Surgery and has to teach in the Medical College.

Appointment of non-I.M.S. men to the post of Professor of Clinical Surgery in the Calcutta Medical College.

19. Mr. CHARU CHANDRA SANYAL: (a) Will the Hon'ble Minister in charge of the Department of Health and Local Self-Government be pleased to state when and under what circumstances the post of Professor of Clinical Surgery in the Calcutta Medical College was made open to non-I.M.S. men?

(b) Was the post advertised and selection made through Selection Board or Public Service Commission?

(c) Was the post ever advertised for Muhammadans only?

(d) Does the post come under provision of Communal Ratio Rules?

(e) What was the report of the Public Service Commission on the merits of the Muhammadan applicants?

(f) Was the post again advertised for temporary appointment? If so, on what grounds?

(g) Why was not the present incumbent made permanent?

The Hon'ble Mr. MOHAMMED ALI: (a) and (b) Prior to 1927, both the posts of Professor of Surgery as well as of Professor of Clinical Surgery were reserved for I.M.S. officers. Since March, 1927, the latter post was dereserved, but I.M.S. officers continued to hold it till 31st March, 1931. The post was then filled up by non-I.M.S. officers after advertisement, on the recommendation of Selection Committees appointed from time to time until the constitution of the Provincial Public Service Commission. Under the I.M.S. (Civil) (Reserved Posts) Rules, 1939, which superseded all previous orders on the subject, one of the two posts of Professor of Surgery and Professor of Clinical Surgery, Medical College, Calcutta, was reserved for I.M.S. officers. Since then the post of Professor of Surgery was being held by I.M.S. officers and the other post filled by non-I.M.S. officers who are appointed on the recommendation of the Public Service Commission after advertisement.

(c) When a vacancy occurred in 1943 which was to be filled up on a temporary basis, it was reserved for Muslims and advertised through Public Service Commission.

(d) Yes.

(e) The Public Service Commission did not consider any of the applicants suitable for the post.

(f) Yes, in accordance with the principle of the Communal Ratio Rules the post was thrown open to candidates of all communities.

(g) The post was filled up only temporarily during the war. The candidate selected for temporary appointment cannot be considered for permanent appointment except after readvertisement for a permanent vacancy with due regard to the Communal Ratio Rules.

Kala-azar in Bengal.

20. Mr. CHARU CHANDRA SANYAL: Will the Hon'ble Minister in charge of the Department of Health and Local Self-Government be pleased to state—

(a) the daily average number of kala-azar patients attending the outdoor of Calcutta School of Tropical Medicine in 1944 and in 1946;

(b) if it is a fact that most of the cases came from Entally and Tiljala areas within Calcutta;

(c) if it is a fact that kala-azar is rapidly spreading in the districts of Murshidabad, Dinajpur, Rangpur, Mymensingh, Faridpur and Bakarganj reaching an alarming figure in 1945-46;

- (d) if any expert was sent to the affected areas for investigation; if so, what was the report; and
 (e) what steps the Government are taking to prevent and check the progress of kala-azar in Bengal?

The Hon'ble Mr. MOHAMMED ALI: (a) 1944—47.

1946 (up till 15th August, 1946)—122.

(b) Most cases come from Entally, Tiljala, Taltolla, Wellesley Street and Ripon Street areas.

(c) Figures of mortality show some, though not alarming, increase in the number of deaths from kala-azar in all the districts mentioned except Faridpur since 1941. In Faridpur the position has been more or less stationary.

(d) Surveys to investigate the incidence of kala-azar were conducted in several districts including Faridpur among the districts mentioned. The survey in Faridpur revealed that the incidence was stationary.

(e) Besides the usual grant of Rs.1,20,000 for maintenance of kala-azar treatment centres and supply of kala-azar specifics, an additional sum of Rs.20,000 was spent for purchase of specifics and their distribution to different District Boards in 1945-46.

Three hundred and five Mobile Medical Units, 120 Government-aided Medical Units and all the Auxiliary Government Hospitals, Government and District Board hospitals and dispensaries are now providing treatment for kala-azar cases.

Mr. BIJOY SINGH NAHAR: Are the Government taking any particular step in the Entally, Tiljala areas where kala-azar is most prevalent?

The Hon'ble Mr. MOHAMMED ALI: Yes, Sir.

Mr. BIJOY SINGH NAHAR: May we know what steps he proposes to take or are taking to combat kala-azar?

The Hon'ble Mr. MOHAMMED ALI: By opening up of treatment centres and distribution of specifics and inducing the sufferers to come to the treatment centres and get *urca stibamine* injected.

Mr. BIJOY SINGH NAHAR: Has any centre been opened?

The Hon'ble Mr. MOHAMMED ALI: The centres are located in the adjacent hospitals.

Mr. NACENDRA NATH MOHOLANABISH: In spite of the action taken by the Government to fight this disease, it appears that, except in Faridpur, the incidence of mortality is increasing. Have the Government considered any further action necessary to eradicate this disease from the moffusil or to fight this menace in any substantial manner?

The Hon'ble Mr. MOHAMMED ALI: Yes, Sir. The honourable member may perhaps be aware that Government have now auxiliary Government hospitals distributed throughout the province and since the reopening of these hospitals, I mean re-conversions from F. R. E. hospitals, the situation has considerably improved and these hospitals are now in a better position to tackle Kala-azar.

Mr. NACENDRA NATH MOHOLANABISH: These mobile units are there for some years and from all that the Government have done it does not appear to have made any impression upon the prevalence of this disease. I would like to know whether the Government are devising some other means, some more effective means, to fight this disease.

The Hon'ble Mr. MOHAMMED ALI: Yes, Sir. These Auxiliary Government Hospitals and the mobile units working in conjunction with those hospitals will be able to cope with the situation better than what the mobile units have been doing hitherto.

Repairing of the road from Satkhira to Itindaghat.

21. Mr. PATIRAM ROY: (a) Will the Hon'ble Minister in charge of the Department of Health and Local Self-Government be pleased to state whether he is aware—

- (i) that the road from Satkhira to Itindaghat (24-Parganas) is very important for the people of Khulna and 24-Parganas;
- (ii) that the above road is the only way to Calcutta for a large number of people of Satkhira and Basirhat subdivisions;
- (iii) that the road has been damaged in the rain and that all the communications have fully been stopped; and
- (iv) that a considerable number of passengers of both sexes undergo much hardship?

(b) If the answer to part (a) is in the affirmative, is the Hon'ble Minister considering the desirability of taking immediate steps for repairing the road?

(c) Is the Hon'ble Minister aware of the fact that the District Board of Khulna is taking no step whatsoever for repairing the road?

(d) Is it a fact that the heavy buses allowed for plying on the road for last few months have caused the damages?

The Hon'ble Mr. MOHAMMED ALI: (a) (i) and (iv) Yes.

(ii) No. There is another fair weather road to Calcutta *via* Navaran for the people of the Satkhira subdivision.

(iii) The road has been damaged but the communication has never been fully stopped.

(b) Government intend to improve this road, which has been included in the first five-year plan of Works and Buildings Department for improvement of communications throughout the Province.

(c) The Board has spent about two and a half times its normal pre-war grant for the road, i.e., Rs.17,858 per year on the average during these two years, against Rs.7,541 per year in pre-war time.

(d) Yes, to a large extent.

Education of Muslims in Bengal.

22. Khan Bahadur A. M. SAHOODUL HAQUE (on behalf of Mr. Nur Ahmed): (a) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact that the Muslim education in Bengal has received a serious setback during the war emergency of the World War II and Bengal famine of 1943 and the number of Muslim students in all classes of educational institutions has been considerably decreased?

(b) What was the percentage of number of Muslim pupils in 1945 in Bengal in all classes and all sorts of educational institutions, namely, primary, secondary, collegiate, University, technical, professional, medical, art and commercial, and what was the percentage of decrease of Muslim pupils in these institutions in 1945?

(c) What special measures are being taken to make up the deficiency in Muslim education in Bengal and to establish a Muslim University as recommended by the Madrasah Education Committee in their report of 1941?

The Hon'ble Mr. SAIED MUAZZAMUDDIN HOSAIN: (a) It is difficult to say to what extent Muslim education in Bengal received a setback due to the war and the famine. There has been a decrease of students in certain classes of institutions but in others there has been an increase.

(b) A statement furnishing the figures is laid on the Table.

(c) A special fund of Rs.10 lakhs (including Rs.36,000 for Medical) has been created for the improvement of Muslim education and every attempt is

Statement referred to in reply to question No. 22.

	1940-41.		1944-45.		
	Number of Muslim pupils.	Percent- age.	Number of Muslim pupils.	Percent- age.	
In Primary stage ..	1,763,096	54.9	1,665,792	54.5	-97,304
In Middle stage ..	56,876	80.1	74,642	31.9	..
In High stage ..	50,433	25.3	66,691	26.0	..
In Arts Colleges (including Universities).	7,676	20.7	7,084	19.3	-592
In Professional Colleges (including Medical Colleges).	815	12.2	976	15.4	.
In Technical Schools (including Industrial Schools).	2,392	26.4	1,962	28.3	..
In Arts and Commerce Schools	566	21.8	440	24.1	..
In other Special Schools	139,016	77.6	134,193	74.9	-4,823

Experts from New Zealand to start dairy farms.

23. Mr. NAGENDRA NATH MOHOLANABISH: (a) Will the Hon'ble Minister in charge of the Department of Agriculture, Forests and Fisheries be pleased to state if experts from New Zealand were recently brought by the Government of Bengal with a view to start dairy farms in this Province?

(b) If so, are they still in the employment of the Government of Bengal?

(c) Have the Government started any dairy farm since the arrival of the experts?

(d) Do the Government intend to start dairy farms in the mufassal districts in the near future?

(e) What was the total amount spent over the New Zealand experts including their travelling expenses, pay and allowances?

(f) What work, if any, have they done?

MINISTER in charge of the DEPARTMENT of AGRICULTURE, FORESTS and FISHERIES (the Hon'ble Mr. Ahmed Hossain): (a) Yes—to advise Government about the development of dairy and poultry in this Province. They arrived on the 5th September, 1944.

(b) Mr. Haddon, the Poultry Expert, left on the 9th June, 1945. Mr. Singleton, the Dairy Expert, on the 14th June, 1946, and Mr. Ballinger the Animal Nutrition Expert, on the 13th October, 1946.

(c) A Central Livestock Research-cum-Breeding Station is being established. This scheme includes the establishment of a dairy farm complete with a dairy factory.

(d) No.

(e) Rs.1,10,790.

(f) During the 9 months Mr. Haddon had been in Bengal, he advised on the preparation of a programme of work relating to poultry to be carried out at the Central Livestock Research-cum-Breeding Station. He also helped in preparing a syllabus on poultry keeping for the degree course at the Bengal Agricultural Institute, Dacca. In addition to this, he gave a short

In collaboration with other officers of the Directorate of Agriculture, Mr. Singleton carried out a survey of milk supply of Calcutta. He assisted in the preparation of a blue-print for the Central Breeding and Research Farm at Haringhatta in general, and for the dairy factory in particular, and placed orders for equipment from abroad. He was placed in charge of the Dairy Development scheme sanctioned with financial assistance from the Government of India.

Mr. Ballinger prepared a scheme in collaboration with other New Zealand experts in which it was recommended that the livestock improvement in Bengal should be implemented by the formation of an Animal Husbandry Section of the Department of Agriculture which would consist of extension, research and cattle breeding. The scheme was accepted by Government and the establishment of a breeding and research station at Haringhatta was approved as a part of the programme. He worked as Liaison Officer for the scheme among the various departments of Government concerned. He drew up plans for the cattle sheds, laboratory and general layout of the area and ordered for necessary equipment for the research station.

Mr. Ballinger formulated, in collaboration with his colleagues, the scheme for the Central Livestock Research-cum-Breeding Station at Haringhatta and, on the sanction of the scheme by Government, helped in drawing up a blue-print for the farm.

Mr. NAGENDRA NATH MOHOLANABISH: May I take it that at a cost of Rs. 1,10,790 we have got only a survey made by one officer, a scheme, and a plan by another and a blue print, by a third officer? Is that all that we have got for all this sum?

The Hon'ble Mr. AHMED HOSSAIN: The honourable member will find that in the answer; he will find that they did many other things besides. Mr. Haddon had prepared a syllabus and other things and gave lectures, etc., at Darca. I need not say more about the others; they will all be found in the answer.

Mr. NAGENDRA NATH MOHOLANABISH: Well, save and except these lectures and schemes and plans, have we got anything tangible in Bengal for a sum of one lakh and odd?

The Hon'ble Mr. AHMED HOSSAIN: I do not understand what the honourable member means by "tangible". We have got a Research-cum-Breeding Station at Haringhatta and a Dairy Development Scheme will be started very soon.

Mr. NAGENDRA NATH MOHOLANABISH: Are these officers still here?

The Hon'ble Mr. AHMED HOSSAIN: No. It is in the answer that they have already left.

Mr. NAGENDRA NATH MOHOLANABISH: Can we expect a drop of milk from the advice that we have got from these officers?

(No reply.)

Fruit industries and fruit cultivation in Bengal.

24 Khan Bahadur A. M. SAHOODUL HAQUE (on behalf of Mr. Nur Ahmed): (a) Will the Hon'ble Minister in charge of the Department of Agriculture, Forests and Fisheries be pleased to state what special measures have been taken by the Government of Bengal to foster and help fruit industries and fruit cultivation in Bengal?

(b) If so, what are they?

(c) Do the Government of Bengal propose to set up a Fruit Development Board as recommended by the Fruit Advisory Committee?

(d) If not, why not?

The Hon'ble Mr. AHMED HOSSAIN: (a) and (b) The following schemes have been initiated by Government to foster fruit cultivation in Bengal:—

- (1) Scheme for distribution of papaya seedlings;
- (2) Scheme for distribution of pineapple suckers; and
- (3) Scheme for distribution of banana suckers.

Bengal is a deficit area in fruit production. Until fruit cultivation is increased so as to produce a surplus over demand the question of development of fruit preservation industry on a large scale would not arise.

(c) A combined advisory board consisting of Bengal, Assam, Bihar and Orissa is proposed to be constituted with headquarters at Calcutta, and with 2 members from Bengal, one official of the Directorate of Agriculture representing Government and one non-official scientist representing consumers.

(d) Does not arise.

Mr. BIJOY SINGH NAHAR: Have these schemes begun working? Or are you still distributing seedlings?

The Hon'ble Mr. AHMED HOSSAIN: We have got a Horticultural Station at Krishnagar. Besides this distribution, we have had grafts of mangoes lichis, etc., distributed, and in the coming year we hope to make distribution of other grafts.

Khan Bahadur GHYASUDDIN PATHAN: Where and to whom has this distribution been made?

The Hon'ble Mr. AHMED HOSSAIN: Why, all over the province?

Khan Bahadur GHYASUDDIN PATHAN: Does it include the mofussil, I mean the villages?

The Hon'ble Mr. AHMED HOSSAIN: I think so.

Khan Bahadur GHYASUDDIN PATHAN: At least we are not aware of such a thing.

Mr. HARIDAS MAZUMDAR: With reference to answer (3)—“Until fruit cultivation is increased so as to produce a surplus over demand the question of development of fruit preservation industry on a large scale would not arise”—is the Hon'ble Minister aware that tomatoes are sometimes selling at Re. 1 per maund and sometimes Re. 1 per seer?

The Hon'ble Mr. AHMED HOSSAIN: That is why there is large scale schemes for fruit production. There are new private firms for the production of vegetables and fruits under Government supervision.

Uncultivated tract of land near Ranaghat.

25. Khan Bahadur GHYASUDDIN PATHAN: Will the Hon'ble Minister in charge of the Department of Agriculture, Forests and Fisheries be pleased to state—

- (a) whether he is aware that a vast tract of land covering an area of many miles on both sides of the Railway line beyond the Ranaghat station is lying uncultivated for a long time;
- (b) why no steps have yet been taken to bring this land under cultivation; and
- (c) whether there are any difficulties to bring this land under cultivation and, if so, what are the difficulties?

The Hon'ble Mr. AHMED HOSSAIN: (a) Yes.

(b) The Bengal and Assam Railway authorities have been requested to let out the lands under their control and as a result a large area of such lands has been settled.

(c) There are great difficulties in bringing these lands under cultivation. Nadia is a malaria-ridden district of decaying rivers and very extensive schemes of irrigation, drainage and malaria control are necessary to reclaim these lands permanently on a large scale.

Khan Bahadur CHYASUDDIN PATHAN: Has any attempt been made for settlement of the lands or to solve this difficulty?

The Hon'ble Mr. AHMED HOSSAIN: Sir, I would add for the information of the honourable member that until the land is resumed by Government no improvement can be started. So Government have in view a legislation for the resumption of these waste lands.

Eradication of water-hyacinth nuisance in Bengal.

26. Khan Bahadur SYED ABDUR RASHID CHOWDHURY: (a) Will the Hon'ble Minister in charge of the Department of Agriculture, Forests and Fisheries be pleased to state what steps the Government intend to take to eradicate the water-hyacinth nuisance in the Province?

(b) Have the Government any comprehensive scheme for the same? If so, will the Hon'ble Minister please give the detail thereof?

(c) What part of the scheme, if any, has been given effect to and with what result?

The Hon'ble Mr. AHMED HOSSAIN: (a) to (c) A comprehensive scheme for the control and eradication of water-hyacinth has been drawn up which is now under consideration of a Technical Committee appointed by Government. A copy of the scheme is placed in the Library. When the Committee's report is received Government will consider what can be done to deal with the problem.

Mr. NACENDRA NATH MOHOLANABISH: May I enquire when this comprehensive scheme was prepared by the Government?

The Hon'ble Mr. AHMED HOSSAIN: I think a year ago along with all other schemes under the Development Committee. It is scheme No. 29 of the Blue Book.

Mr. NACENDRA NATH MOHOLANABISH: Cannot the Hon'ble Minister be more definite—it is only a year ago?

The Hon'ble Mr. AHMED HOSSAIN: I cannot say more definitely.

Mr. LALIT CHANDRA DAS: Was it under the consideration of another Committee?

The Hon'ble Mr. AHMED HOSSAIN: It was under the consideration of a technical committee under the Development Committee.

Mr. LALIT CHANDRA DAS: When was it appointed?

The Hon'ble Mr. AHMED HOSSAIN: It was a Standing Committee.

Mr. LALIT CHANDRA DAS: Has it finished its labour?

The Hon'ble Mr. AHMED HOSSAIN: Since then it is reported that the scheme is not feasible.

Mr. LALIT CHANDRA DAS: Then it means that all labour and money is wasted. Have you any other scheme for eradicating water-hyacinth.

(No answer.)

Accumulation of water-hyacinth in the river and low lands.

27. Mr. NAGENDRA NATH MOHOLANABISH: Will the Hon'ble Minister in charge of the Department of Agriculture, Forests and Fisheries be pleased to state—

- (a) if the Government are aware of the huge loss of paddy crops every year due to the accumulation of water-hyacinth in the rivers and low lands; and
- (b) if the Government have any scheme or plan to seriously combat the accumulation of water-hyacinth and to permanently eradicate the same from Bengal at an early date?

The Hon'ble Mr. AHMED HOSSAIN: (a) Yes.

(b) A comprehensive scheme for the control and, if possible, eradication of water-hyacinth has been drawn up and is now under the consideration of a Technical Committee appointed by Government.

Mr. NAGENDRA NATH MOHOLANABISH: The Hon'ble Minister has already answered with reference to question No. 26 and has repeated with reference to question 27 that it is under the consideration of a technical committee. Now I understood the Hon'ble Minister to say that that scheme has been found to be unworkable. If so, will he kindly tell us if the Government have any other scheme so far as eradication of water-hyacinth is concerned?

The Hon'ble Mr. AHMED HOSSAIN: Yes, Sir, the Government are examining the efficacy of the American drug. The herbal experiment is almost finished. In stagnant water it is particularly very successful and in running water it is still under examination.

Mr. NAGENDRA NATH MOHOLANABISH: Has any scheme been worked out or simply the experiment is going on?

The Hon'ble Mr. AHMED HOSSAIN: The scheme is under experiment.

Khan Bahadur CHYASUDDIN PATHAN: Who are making this experiment in India? Have any American experts been indented from America?

The Hon'ble Mr. AHMED HOSSAIN: The experiment is being done in the Directorate of Agriculture.

Inconvenience to communication in East Bengal due to the accumulation of water-hyacinth.

28. Mr. NAGENDRA NATH MOHOLANABISH: Will the Hon'ble Minister in charge of the Department of Agriculture, Forests and Fisheries be pleased to state—

- (a) if the Government are aware of the serious inconvenience to communication in East Bengal due to the accumulation of water-hyacinth in the rivers and low lands; and
- (b) if the Government have any scheme or plan to seriously combat the accumulation of water-hyacinth on communication lines and to permanently eradicate the same from Bengal at an early date?

The Hon'ble Mr. AHMED HOSSAIN: (a) Yes.

(b) Government are considering a scheme for the control and eradication of water-hyacinth.

Jute Regulation Department.

29. Khan Bahadur SYED ABDUR RASHID CHOWDHURY: Will the Hon'ble Minister in charge of the Department of Agriculture, Forests and Fisheries be pleased to state—

- (a) whether the Jute Regulation Department has merged with the Agriculture Department permanently; and
- (b) if not, what work they will be entrusted with after the jute season is over?

The Hon'ble Mr. AHMED HOSSAIN: (a) Jute Regulation Department has been organised as a section of the Directorate of Agriculture, but has not yet been made permanent.

(b) In the slack seasons, the staff is being utilised in furthering agricultural schemes, e.g., making of compost from rural refuse, distribution of vegetable seeds, raising of vegetable seedlings and distribution of agricultural implements. Some staff is also diverted to relief work in "affected" areas.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to give us any idea as to the cost of this staff per year?

The Hon'ble Mr. AHMED HOSSAIN: I want notice.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister consider the desirability of saving money by retrenching this staff?

(No answer.)

Theft in the food rationing godown at 11C, Canal Circular Road.

30. Mr. BIJOY SINGH NAHAR (on behalf of Mr. Syed Badrudduja):

(a) Will the Hon'ble Minister in charge of the Department of Civil Supplies be pleased to state whether it is a fact that bags of sugar were stolen from the food rationing godown at 11C, Canal Circular Road (Ultadanga area)? Calcutta, between the 5th and the 8th August, 1946?

(b) If so, is the Hon'ble Minister considering the advisability of instituting an enquiry into the matter and taking steps against the recurrence of such thefts?

The Hon'ble Mr. ABDUL COFRAN: (a) There is no godown at 11C, Canal Circular Road. On the 1st May, 1946, the godown bearing that number was re-numbered as 11H, (West) Canal Circular Road.

No incident of theft, shortage or discrepancy has been reported from this godown during the period mentioned. The physical stocks of the godown at 11H, (West) Canal Circular Road, were checked by Inspecting staff on the 7th August, 1946, and also on the 8th August, 1946, and do not reveal any discrepancy.

(b) Does not arise.

Amelioration of the economic and social conditions of the Bengal peasantry and landless labourers.

31. Khan Bahadur A. M. SHAHOODUL HAQUE (on behalf of Mr. Nur Ahmed): (a) Will the Hon'ble Minister in charge of the Department of Co-operation, Credit and Relief be pleased to state if it is a fact that as a result of the World War No. II and the Bengal Famine of 1943, the economic condition of the Bengal peasantry has widely and steadily deteriorated and has reached destitution in most cases in Bengal?

(b) Is it a fact that the number of landless labourers has enormously increased during the years 1943, 1944 and 1945 in Bengal, and widespread

(c) If so, what specific and ameliorative measures have been taken by the Government of Bengal to improve the economic and social conditions of Bengal peasantry and the landless labourers?

The Hon'ble Mr. A. F. M. ABDUR RAHMAN: (a) It is only those with small holdings that have been affected.

(b) Government have no accurate information in the matter and a survey has been undertaken. Generally speaking, the famine of 1943 affected the landless labourers very badly but subsequently many of them were employed in works connected with the war on high wages and even now the wages of agricultural labour are very high.

(c) Irrigation works, work centres and work houses, improvement of tanks under the Bengal Tank Improvement Act, restoration to small cultivators of land sold out by them, post-war unemployment relief works. Besides, all the development schemes of the Agriculture Department aim specifically at improving the economic condition of the peasantry.

Adjournment Motion.

Mr. NAGENDRA NATH MOHOLANABISH: Sir, I beg to move that this Council do adjourn its business to discuss a definite matter of urgent public importance, namely, the situation that has arisen due to the terrible atrocities committed upon the Hindus in the districts of Noakhali and Tippera in October and November last when large number of Hindus, men, women and children, were brutally killed, their properties looted, houses burnt, women abducted, raped and forcibly married and thousands of them forcibly converted to Islam by well organised bands of Muslim hooligans under a premeditated plan and the failure of the Government to prevent or promptly check the same or to render timely assistance to the people affected and to make adequate provision for the protection and rehabilitation of the refugees who were rendered homeless and penniless by these disturbances.

Mr. PRESIDENT: Order, order. There were two Adjournment Motions, one in the name of Mr. Haridas Mazumdar and the other in the name of Mr. Nagendra Nath Moholanabish. The latter one being more comprehensive, I have given my consent to it. Now the motion to be moved by Mr. Nagendra Nath Moholanabish runs as follows:—

That this Council do adjourn its business to discuss a definite matter of urgent public importance, namely, the situation that has arisen due to the terrible atrocities committed upon the Hindus in the districts of Noakhali and Tippera in October and November last when large number of Hindus, men, women and children, were brutally killed, their properties looted, houses burnt, women abducted, raped and forcibly married and thousands of them forcibly converted to Islam by well organised bands of Muslim hooligans under a premeditated plan and the failure of the Government to prevent or promptly check the same or to render timely assistance to the people affected and to make adequate provision for the protection and rehabilitation of the refugees who were rendered homeless and penniless by these disturbances.

Is there any objection?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, Sir.

Mr. PRESIDENT: Those who are in support of the motion will kindly rise in their seats?

(13 members stood in their seats.)

Mr. PRESIDENT: Leave has been granted. I direct that the motion be taken up for discussion on Thursday, the 6th February, at 2-15 p.m.

Panel of Chairmen.

Mr. PRESIDENT: Under rule 6 of the Bengal Legislative Council Procedure Rules, I nominate—

- (1) Mr. Kamini Kumar Dutta,
- (2) Mr. George Morgan, C.I.E.,
- (3) Dr. Muhammad Azizul Haque, and
- (4) Mrs. Labanyaprobha Dutta,

on the Panel of Chairmen for the current session.

House Committee.

Mr. PRESIDENT: Under rule 122 of the Bengal Legislative Council Procedure Rules, I nominate—

- (1) Mr. Mohammed Taufiq,
- (2) Mr. Haji Md. Yusuf,
- (3) Mr. Biswanath Roy,
- (4) Mr. Charles Edward Clarke,
- (5) Mr. Nagendra Nath Moholanabish, and
- (6) Miss Ethel Robertson, C.S.P.,

on the House Committee for the current session.

Governor-General's Assent to Bills.

Mr. PRESIDENT: I have now to inform the honourable members that the following Bills which were passed by both Chambers of the Bengal Legislature have been assented to by His Excellency the Governor-General under the provisions of section 76(I) of the Government of India Act, 1935, namely:—

- (1) The Bengal Special Tribunal (Continuance) Bill, 1946.
- (2) The Calcutta Disturbances Commission of Enquiry Bill, 1946.

Governor's Assent to Bills.

Mr. PRESIDENT: I have also to inform the honourable members that the following Bills which were passed by both Chambers of the Bengal Legislature have been assented to by His Excellency the Governor under the provisions of section 75 of the Government of India Act, 1935, namely:—

- (1) The Bengal Finance (Extending) Bill, 1946.
- (2) The Bengal Motor Spirit Sales Taxation (Amendment) Bill, 1946.
- (3) The Murshidabad Bill, 1946.
- (4) The Bengal Repealing and Amending Bill, 1946.

I am also to inform the honourable members that His Excellency the Governor has, under the provisions of section 75 of the Government of India Act, 1935, withheld his assent to the Bengal Destitute Persons (Repatriation and Relief) Bill, 1946, which was passed by both Chambers of the Bengal Legislature, for the reasons given in a communication addressed to the Secretary, Bengal Legislative Council, copies of which have been distributed to the honourable members.

Laying of Ordinances.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I beg to lay the following Ordinances before the House:—

- The Bengal Jute Mills (Temporary Provision) Ordinance, 1946.
- The Bengal Consumer Goods Control Ordinance, 1946.
- The Noakhali and Tippera Emergency Harvesting Ordinance, 1946.
- The Calcutta Rent Ordinance, 1946.
- The Bengal Molasses Control Ordinance, 1946.
- The Dacca Area Security Ordinance, 1946.
- The Bengal Drugs Control Ordinance, 1946.
- The Noakhali and Tippera Area Security Ordinance, 1946.
- The Bengal Criminal Law Amendment Ordinance, 1947.
- The Bengal Special Powers Ordinance, 1946.
- The Bengal Special Powers Amendment Ordinance, 1947.
- The Bengal Civic Guards and Collective Fines Continuance Ordinance, 1946.

The Bengal Special Powers (Amendment) Ordinance, 1946.

Laying of Amendments to the Bengal Motor Vehicles Rules, 1940.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I have another business. I lay on the table also amendments to the Bengal Motor Vehicles Rules, 1940.

The Calcutta Rent Bill, 1946.

The Hon'ble Mr. SAIED MUAZZAMUDDIN HOSAIN: Sir, I beg to present the report of the Select Committee on the Calcutta Rent Bill, 1946.

The Hon'ble Mr. FAZLUR RAHMAN: Sir, I beg to give notice that I shall move on the 11th February, 1947, that the Calcutta Rent Bill as reported by the Select Committee be taken into consideration and passed as settled in the Council.

Mr. PRESIDENT: Order, order. I would suggest that amendments to the motion to be moved by the Hon'ble Minister, namely, that the Calcutta Rent Bill be taken into consideration should be given notice of up to 3 p.m. on Friday, the 7th February.

The Hon'ble Mr. SAIED MUAZZAMUDDIN HOSAIN: Sir, perhaps these amendments will be only with regard to the clauses of the Bill?

Mr. PRESIDENT: No, with regard to the clauses of the Bill as well as with regard to the motion that the Bill be taken into consideration. I think, however, that longer period should be given for giving notice of amendments. In that case the Bill cannot be taken up on the 11th February. I would therefore request the Hon'ble Minister to suggest some other date.

The Hon'ble Mr. FAZLUR RAHMAN: Then let it be taken up on the 17th February.

Mr. PRESIDENT: All right. In that case amendments may be put in both with regard to the motion that the Bill be taken into consideration as well as with regard to the clauses of the Bill up to 3 p.m. on Thursday, the 13th February. That I hope gives ample time.

The Bengal Non-Agricultural Tenancy (Temporary Provisions) Extending Bill, 1947.

The Hon'ble Mr. FAZLUR RAHMAN: Sir, with your permission, I beg to introduce the Bengal Non-Agricultural Tenancy (Temporary Provisions) Extending Bill, 1947, and also beg to give notice that I shall move, at short notice, on the 6th February, 1947, that the said Bill be taken into consideration and passed as settled in the Council.

Mr. NACENDRA NATH MOHOLANABISH: Sir, you have already fixed 6th February for the discussion of the adjournment motion.

The Hon'ble Mr. FAZLUR RAHMAN: Sir, it is a very formal thing and I do not think it will interfere with the adjournment motion.

Mr. PRESIDENT: Yes, I think so.

Mr. NACENDRA NATH MOHOLANABISH: Then it is all right.

Mr. PRESIDENT: But, Mr. Rahman, there is some difficulty about moving your Bill on the 6th because there are two holidays intervening and so there will be no time for submitting amendments, although I presume the number of amendments will be very small.

The Hon'ble Mr. FAZLUR RAHMAN: I think, Sir, there will be none.

Mr. PRESIDENT: Why not take up the Bill on the 10th February?

The Hon'ble Mr. FAZLUR RAHMAN: Yes, Sir, it may be taken up on the 10th.

Mr. PRESIDENT: All right then let the Bill be taken up on the 10th February and let the amendments, if any, be submitted by 3 o'clock on the 6th February. Is that agreed to?

The Hon'ble Mr. FAZLUR RAHMAN: Yes, Sir.

The Bengal Tenancy (Amendment) Bill, 1947.

The Hon'ble Mr. FAZLUR RAHMAN: Sir, I have got another Bill. With your permission I beg to introduce the Bengal Tenancy (Amendment) Bill, 1947, and also beg to give notice that I shall move at short notice on the 12th February, 1947, that the said Bill be taken into consideration and passed as settled in the Council.

Mr. PRESIDENT: As regards submission of amendments, what date do you suggest? 3 o'clock on 10th?

The Hon'ble Mr. FAZLUR RAHMAN: Yes, Sir.

Mr. PRESIDENT: All right.

The Bengal Undesirable Advertisements (Control) Bill, 1947.

The Hon'ble Mr. MOHAMMED ALI: Sir, I beg to give notice that I shall introduce the Bengal Undesirable Advertisements (Control) Bill, 1947, which was published in the Calcutta Gazette on the 23rd January, 1947. I also give notice that I shall move that the Bill be taken into consideration on the 24th February and I shall also move thereafter that the Bill as settled in Council be passed.

Mr. PRESIDENT: I suggest that amendments be put in by 3 o'clock on 15th February.

The House stands adjourned till 2-15 p.m. on Thursday, the 6th February, 1947.

Adjournment.

The Council then adjourned till 2-15 p.m., on Thursday, the 6th February, 1947.

Members absent.

The following members were absent from the meeting held on the 3rd February, 1947:—

- (1) Mr. Abdulla-al-Mahmud,
- (2) Mr. Nur Ahmed,
- (3) Khan Bahadur Syed Abdur Rashid,
- (4) Mr. Mungturam Jaipuria,
- (5) Mr. Satish Chandra Jana,
- (6) Mr. Humayun Z. A. Kabir,
- (7) Alhaj Yar Ali Khan,
- (8) Mr. Syed Abdul Majid,
- (9) Mr. George Morgan, C.I.E.,
- (10) Dr. Kumud Sankar Ray,
- (11) Mr. Satish Chandra Sen, and
- (12) Dr. Kasiruddin Talukdar.

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1947—No. 2.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Thursday, the 6th February, 1947, at 2-15 p.m., being the 2nd day of the First Session of 1947, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

Adjournment Motion.

Mr. NAGENDRA NATH MOHOLANABISH: Sir, I beg to move that this Council do adjourn its business to discuss a definite matter of urgent public importance, namely, the situation that has arisen due to the terrible atrocities committed upon the Hindus in the districts of Noakhali and Tippera in October and November last when large numbers of Hindus, men, women and children, were brutally killed, their properties looted, houses burnt, women abducted, raped and forcibly married and thousands of them forcibly converted to Islam by well-organised bands of Muslim hooligans under a premeditated plan and the failure of the Government to prevent or promptly check the same or to render timely assistance to the people affected and to make adequate provision for the protection and rehabilitation of the refugees who were rendered homeless and penniless by these disturbances.

Sir, hardly could the people of Bengal recover from the shock of the terrible carnage in Calcutta in August last when news began to leak out that still more terrible and inhuman barbarities had been started against the helpless Hindus of numerous villages in the districts of Noakhali and Tippera in East Bengal by the Muslim hooligans. Preparations for the purpose were being made from early October by members of the Muslim League of the locality, supported by their comrades from outside. Meetings were held and leaflets were broadcast inciting the Muslims to crush the Hindus. This was known to the local police and Magistrates but no attention was paid to it and no steps were taken.

In Noakhali and Tippera the Hindus are in a hopeless minority of 15 to 20 per cent. living in isolated patches widely separated from each other and surrounded by overwhelming numbers of Muslims with whom they had no quarrel or dispute whatsoever. The two communities had been living there side by side in peace for centuries and the Hindus had done nothing to offend their neighbours, the Muslims. Still the Muslims inspired by their leaders of the League combined themselves to attack and annihilate them. The Hindus informed the Police and the Magistrates and asked for help and protection but none did take any notice of them. Whether it was a case of gross negligence on their part or passive connivance with the object of the hooligans or fear of the Muslim League Ministry, we need not pause to consider now, but the result was that during the second week of October, the Muslim hooligans started the attack on the Hindu families in an organised manner with a premeditated plan.

Bands of hundreds, and in some cases thousands, of Muslim hooligans armed with deadly weapons including firearms, raided the Hindu houses one after another, extorted money from them, set their houses on fire, looted everything that they could lay their hands upon, then killed them and finally forcibly converted the survivors to Islam, abducted, raped and forcibly married their women. No human being nor even brutes could conceive of

more horrible and cruel barbarities than that were conceived, planned and executed there in cold blood upon innocent and harmless men, women and children unprovoked, as was done in those villages. In many instances large sums of money were extorted as subscriptions for the Muslim League and having secured that on threat of murder and violence, they demanded the victims to embrace Islam and on refusal tortured and killed them and threw their bodies to the flames of their burning houses.

Abduction, rape and forcible marriages went on side by side and *mullahs*, as members of the party, were ready at hand to make the unfortunate victims recite the Kalma. Even those who by force were made to accept Islam were not spared; their houses were burnt and, lest they might revert to Hinduism later on, their women were married to some one or other of the hooligans or their relatives.

More heart-rending, cruel and barbarous atrocities and tyranny could not be perpetrated by even the worst criminals and fanatics under any civilised Government unless the Government connived at them. These were going on from day to day and week after week well over a month but nothing was done to protect the affected Hindus. While this was going on and information began to leak out to the outside world the Government of Bengal suppressed the news for days together and wanted to minimise the gravity of the situation. The Chief Minister after several days of silence arranged an aerial tour of the affected areas with His Excellency the Governor and after having a few hours of low flying in those areas publicly declared that the incidents were grossly exaggerated by the Hindu Press and though burning of houses was rather extensive the number of deaths was low in three figures. There was a deliberate attempt to ignore the fact of mass conversion, forcible marriages, abduction and rape. He did not care to get down or approach the miscreants, his brothers in faith, and comrades of the Muslim League, to utter a word of protest or threat of strong and immediate action but silently flew away leaving the miscreants to go on with their job as merrily as ever. No serious attempt to call in the armed police or military in sufficient numbers was made and no orders were passed to ruthlessly stop the atrocities. The Chief Minister by his acts and deeds, led the hooligans to believe that the government were behind them. The Chief Minister's belated statements did not show any real or strong and sincere condemnation of these inhuman atrocities, but reading in between the lines his earlier statements issued in this connection, one can readily perceive his ill-concealed satisfaction, covered by a thin layer of mild threats and protests. The whole Government machinery was practically at a standstill so far as maintenance of law and order in those parts of the country was concerned. The hooligans believed, and I have no doubt they fully knew, that the League Government would not interfere with them in their crusade against the Hindus. In fact the whole thing appears to have been planned by the League and executed by their leaders with the help of their fanatical followers and it was obviously foolish to expect the League Government to exert themselves for the protection of the unfortunate Hindus. For days together not a soul from the members of the Government or of the Muslim League or, for the matter of that, any high official cared to do anything to effectively stop these cruel barbarities and atrocities. It was about two weeks after that military were posted but they, it is said, were incapable of contacting the miscreants for want of facilities of communication—though the hooligans could move from village to village and house to house and commit murder, arson, rape, abduction and all those atrocities, unchecked and unhampered. About 10 days later Mr. Jinnah issued a statement with an explanation that he was awaiting fuller information so long. In this belated statement he, like Mr. Suhrawardy, complained of exaggeration by the Press, but did not suggest any strong or drastic measures, lest that might stop the atrocities too early.

It was only Mr. Shamsuddin Ahmed who had the frankness to admit in his statement that there was mass murder, arson, rape abduction and

forcible conversion, etc., but unfortunately he too did not or could not suggest effective measures to stop these atrocities.

The British had not then, nor have they even now, quitted India—I doubt if they will ever quit India, unless evicted by force or force of circumstances. These British people with their full resources, their Army, arms and ammunition, were looking on as the Purusha of the Sankhya, as on lookers totally unaffected and unconcerned, unwilling and unable to interfere and to let themselves be involved because of their high principle. There was no sincere protest or even righteous indignation at these atrocities ever expressed by the leaders of the British community here, far less any organised attempt to volunteer to protect these helpless Hindus from such brutal massacre, tyranny and oppression. Are these people all cowards? Are these people so callous and uncultured as not to be roused to their sense of duty to their fellowmen by these horrible atrocities on a hapless and helpless minority community. The answer is: No. Why then did they not raise their voice against these outrages? The answer is that they always act on principle. Here they acted on imperialistic principle. This onslaught on the Hindus, this communal trouble engineered and fostered by them would help them in clinging to their Empire. The abominable communal award helped them to create a Muslim statutory majority in the Legislature here in Bengal. The British people are bound to support the Muslim League Government installed here at all costs, even in their barbarities and tyrannies on the same imperialistic principle provided these did not touch their persons or their pockets. I can easily imagine what would have been the fate of this League Government and their supporters, the hooligans, and all connected with them if even one hundredth part of this sort of atrocities was committed upon any Britisher here or if any single man of their community were killed or any single woman were abducted or raped or forcibly married or anyone converted to Islam. But during all these fateful days and weeks they were as silent as dead. And yet some of them did not feel the slightest shame or hesitation to declare that the casualties were low in 3 figures as if that was not worth any serious notice. This shows to what depth they have fallen for their principle.

Sir, this outburst of fanaticism could have been suppressed in no time if the Government had only the will to do so. All this could have been stopped if the League Leaders had immediately gone to the localities and strongly and sincerely condemned these barbarities and took immediate and drastic action. And one can easily see that the Government would have certainly done that had not the Leaguers were at the back of it, had they not planned it or had they not been concerned in their execution. The relief workers sent by several Hindu organisations were hampered in their humanitarian work by the Government officials, many of them at the earlier stages were not even allowed to approach the scene of occurrences, many were not given the assistance they required. In spite of request they were not even given any protection. Many of them were waylaid, abducted and killed.

When hundreds and thousands of refugees took shelter in relief centres opened by private relief organisations, Government after giving meagre and niggardly doles of rice for a few weeks, started threatening the refugees with stoppage of supply unless they returned to their respective homes, knowing full well that they had no homes to go to, nothing left for them in this world and the place where they had their homes were infested with hooligans still at large roaming about as wild beasts to fall upon the Hindus wherever they could find them. Sir, as a result of the Calcutta killing and these Noakhali and Tippera atrocities there was terrible repercussions in Bihar, where I must admit to our shame and disgust the people started reprisals against the Muslim population and innocent people were killed and their houses burnt. But the Government there took such prompt and effective measures that the disturbances were quelled in less than a week. The distinguishing features there was total absence of any case of molestation of women, abduction or rape or forcible marriages or conversion.

Nevertheless the Congress Ministers and other Congress Leaders had been promptly deputed to the scene, military and armed police were at once rushed with orders to stop the disturbances as speedily as possible and they did stop it in no time. . . .

Mr. SULTANUDDIN AHMED: On a point of order, Sir. The steps taken by the Bihar Government may be a matter of controversy. I think, Sir, no reference should be made to the steps taken by that Government in this Council.

Mr. PRESIDENT: I think it is the practice that no reference should be made to the action of another Government and it is better not to make any reference to it.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, may I point out that it is more than better and I request you to rule it out of order any reference to the activities of another Government. Because it would mean that I would in reply have to refer to their action and that would be very invidious.

Mr. PRESIDENT: It has never been the practice to refer to the action of another Provincial Government and you better not make any reference to it.

Mr. NAGENDRA NATH MOHOLANABISH: Sir, I bow down to your ruling. I did not discuss the propriety or the policy of another Government. I just mentioned the matter and wanted to say that if proper precaution had been taken no incidents either in Noakhali or in Bihar could have happened. However, Sir, as I said the Bengal Government could have done the same thing if they had only wished to do so and had they done so, the Bihar incidents would not have happened at all. But the heart of the Government of Bengal was not in Noakhali or Tippera, it was in Bihar. A high official was deputed to Bihar to look after the refugees in Bihar—though he was not wanted there and though the Government there was doing all that was necessary and possible for the protection and well being of those unfortunate refugees there. But the Government of Bengal were not satisfied and they wanted to bring them in Bengal and have since actually brought here over 150,000 refugees and are spending lakhs of rupees for their maintenance and have also opened several hospitals for them. . . .

Mr. PRESIDENT: Mr. Moholanabish, I would request to confine yourself to the incidents in Noakhali and Tippera. Please leave Bihar apart.

Mr. NAGENDRA NATH MOHOLANABISH: All right, Sir. This generosity magnanimity and sense of humanity and fellow feeling is really commendable. But when we compare this with the manner in which the Noakhali and Tippera refugees have been and are being treated by the same Government our heart is filled with intense sorrow and anguish. It is clear that the League Government in Bengal has enough kindness, enough generosity and magnanimity but that only for their own community and nothing to spare for the Hindus. Thus is rank communalism—open and sickening. Nevertheless, I have every sympathy for the victims and the refugees, though this misfortune was brought upon them by the mad policy of the League and League Government of Bengal by the policy of their Direct Action, and their policy of hate against the Hindus. . . .

Mr. PRESIDENT: Mr. Moholanabish, if you refer to the Bihar refugees any more it will be my painful duty to ask you to sit down.

Mr. NAGENDRA NATH MOHOLANABISH: I was only telling of the Bihar refugees. . . .

Mr. PRESIDENT: That is not the subject matter under discussion. You better avoid that.

MR. NACENDRA NATH MOHOLANABISH: Sir, it is obvious that unless that policy is changed, Calcutta, Noakhali and Bihar will repeat themselves in a vicious circle and the fire that would be kindled will consume the whole of India.

Now, Sir, the causes that led to these outrages in Noakhali and Tippera are pretty clear. It was neither economical nor religious. The league leaders with a view to shift the blame from their own shoulders tried to suggest that they were purely economical. But the fact that subscriptions were extorted for the Muslim League, that there were abduction of women, forcible conversions and forcible marriages and mass massacre disprove any such suggestion. The fact that only members of the Muslim League and Muslim community were aggressors, that none of any other community was attacked by the hooligans conclusively disprove it. That the cause was political admits of no controversy. The circumstances leading to these atrocities prove it beyond any shadow of doubt.

These were not merely outrages on the Hindus, but outrages on civilisation, on culture, on religion, on humanity and on every thing else which distinguishes man from beasts, civilisation from barbarism. Are we to live henceforth a life of the jungle surrounded by beasts of prey ready to pounce upon us at every moment? Are we henceforth to live in eternal fear of losing our lives, our properties, our honour, our religion and above all the honour of our women? Are we always to be ready to kill in self-defence or else be killed? I would ask the League Government to answer straight to these questions.

This present Government have been persistently working in the sole interest of the Muslim League to further the interest of their aggressive party politics, in the sole interest of their own community in every sphere of its activities and at the cost of all the other people in the province. Such a partisan Government, which seeks to oppress and suppress the minority community in such a way ought not to be permitted to function a day longer. Indeed I do not find the least indication that there is going to be any change of heart or any change of policy even for the sake of decency in public life and affairs or in the administration of this Province. There has not been any frank and strong denunciation of these Noakhali outrages or of the abominable methods pursued during these disturbances and no real plan or measures adopted to prevent the recurrence of such carnage which has been repeated twice in three months.

The League Council from which Mr. Suhrawardy has recently returned has called for the police to protect them in Bihar. After having violated every canon of law and every rule of morality in every part of the country and having committed or caused to be committed thousand times worse atrocities in Calcutta, Noakhali, and Tippera in East Bengal, they are now calling for the police. Not a word was said in the last League Council Resolution about the tragedy in Noakhali and Tippera and no police was asked to protect the Hindus. On the other hand no serious attempt has been made or is being made to inspire confidence in the refugees in Noakhali and Tippera to enable them to return to their villages. Absolutely no action has been taken to recover or rescue the unfortunate women and girls who have been so cruelly abducted or forcibly married. This heartless Government cannot feel for them and do not like to give any assistance for their rescue or recovery for advancement of their political game.

There is yet time for the League and the League Government of Bengal to change this policy of terrorism. Terrorism has never succeeded in the world. Look at the fate of Hitler and Mussolini. Once they were regarded as invincible and unconquerable but they failed and they had to die a miserable death—death that is due to the worst criminals.

It is no use threatening and bragging that one lakh of Muslims can vanquish crores of Hindus. This Gaznatar Ali—brand threats and propaganda will not bring your goal an inch nearer. The goal which ought

to be the common goal of all the inhabitants of India can be achieved only by peaceful methods, not by terrorism. These mad effusions and mean tactics must be abandoned.

Mr. PRESIDENT: Your time is up.

Order, order. Motion moved that this Council do adjourn its business to discuss a definite matter of urgent public importance namely, the situation that has arisen due to the terrible atrocities committed upon the Hindus in the districts of Noakhali and Tippera in October and November last when large number of Hindus, men, women and children, were brutally killed, their properties looted, houses burnt, women abducted, raped and forcibly married and thousands of them forcibly converted to Islam by well organised bands of Muslim hooligans under a premeditated plan and the failure of the Government to prevent or promptly check the same or to render timely assistance to the people affected or to make adequate provisions for the protection and rehabilitation of the refugees who were rendered homeless and penniless by these disturbances.

Khan Bahadur GHYASHUDDIN PATHAN: Mr. President, Sir, I fail to understand the urgency of tabling this motion over the so-called incidents of Noakhali and Tippera after the lapse of some 4 or 5 months. The reason is...

Mr. NAGENDRA NATH MOHOLANABISH: On a point of Order, Sir. Is my learned friend in order in questioning the propriety of admission of this motion.

Khan Bahadur GHYASHUDDIN PATHAN: Sir, I have not questioned nor do I question the propriety in allowing this adjournment motion. I said that I failed to understand the urgency of moving this adjournment motion.

Mr. PRESIDENT: After due consideration I have admitted the motion and no reference should be made to its admissibility.

Khan Bahadur GHYASHUDDIN PATHAN: The reason is rather stronger on the part of this side of the House to table a similar motion for what has been going on in Noakhali and Tippera in the name of restoration of peace and amity. The Muslims are being harassed and insulted right and left. The remarks of the mover of the motion are not only worse than useless now but they are full of exaggeration and misstatements. It is far from truth to say that the Government failed to render adequate assistance and make necessary arrangements to give shelter to the affected persons. On the other hand, in our opinion, the Government did more than what the situation warranted. Moreover after the statement of the Hon'ble Minister to the effect that peace and confidence had been restored in Noakhali I do not think there is any meaning in moving this adjournment motion now. The law has taken its course, and offenders, if any, and even innocent persons are being brought to book. In this view of the matter this motion does not, I think, deserve any consideration. With these few words I oppose the motion.

Mr. KAMINI KUMAR DUTTA: Sir, it has been asked as to why after such a long lapse of time, long after the happening of these unfortunate events a motion for adjournment should be moved at all. There has, no doubt, been a long interval between now and then but there was no opportunity to move a motion at an earlier date. Moreover, I think, the events which have happened would require a very thoughtful consideration by everybody to decide our future course of action. I can only say that these events, these unfortunate incidents, are due to the root cause of mutual distrust between the two communities. It has destroyed the intrinsic trust without which no society can exist. So this motion is in time and is rightly moved and I think we should not be actuated by technical objections but we should seriously think about what has happened. Any attempt

at whitewashing these incidents would only augur evil for the country. Let us hope that the mission of the Saint of the East, I mean Mahatma Gandhi, and the object of his pilgrimage may succeed. His mission is to restore the intrinsic confidence and trust between the two communities. Let us take the lesson from him and pray that his mission be fulfilled. Really, Sir, the events of Noakhali are a challenge to the conscience of the nation and of the world and Mahatma Gandhi wants that the whole nation should take up that challenge and not allow a repetition of incidents like these. Sir, I will not recount the incidents; they are the events of only the other day, they are matters of recent past. And it is unfortunate and unwise that attempts should be made by the administration to shroud the events from disclosure to the public. That was a very unfortunate and unwise attempt. There is no doubt that atrocities have been committed which can justly be described as crimes against humanity. Sir, as I have said, I will not recount them. As to the conduct of the administration I can speak from my personal experience. I came to know of these incidents on the 14th of October 1946. As soon as I came to know of them I at once proceeded to Choumohani and Sonaimuri, the only two outlets from the cordoned area. What was happening there was impossible to know; I could only get some glimpse of these unfortunate incidents from some refugees who told me their sorrowful tales. Not only were the authorities not taking any action but the whole area was cordoned round and it was impossible for anybody to come out of or enter into those areas. It was impossible for us to send any succour or relief to the people who were confined there; they suffered extreme humiliation and tortures worse than death. What were the authorities doing? On the 15th of October I met Mr. Abdulla, the Superintendent of Police, Noakhali, at Comilla town as a guest of a European gentleman of the town. I told him everything about the happenings as learnt at Choumohani and Sonaimuri. He then proceeded from Comilla to Noakhali—that was on the 15th of October while atrocities started on the 10th of October. On the same day I came to know that the Hon'ble Mr. Abdul Ghan was proceeding to Noakhali and I did go to Laksham to meet him and told him that we did not know what was happening in the interior because the affected parts were completely cut off from all communication by the perpetrators of these atrocities and any number of outrages might be committed without the information reaching the outside world. I persuaded him to take with him one of our very reliable Congress workers, Mr. Mukherji, just to get an outline of what actually happening. This was on the 15th October when the Superintendent of Police was in Comilla although devastations were going on in the district from the 10th of October. In this way oppression was spreading towards the Tippera borders within the Laksham thana border and there fortunately, I may say, that the first attempt of the Muslim hooligans was successfully resisted at Hassanabad in Laksham by the joint efforts of the Hindus and Muslims and some of the hooligans were caught and made over to the authorities. But ultimately the hooligans were successful and proceeded with their atrocities northwards in the Chandpur subdivision. I must say that there was a complete dislocation of the administration there, and I can say that that administration which allows people to resort to the primitive methods of barbarities and atrocities forfeits any right to govern or support of the people. It is a fact and I have heard it from very reliable source that two months before the occurrence information was sent repeatedly to the Magistrate and to the Superintendent of Police and the thana officers about the preparations that were going on by certain organised people to have a mass attack on the minority community, but no steps were taken by the authorities to check it. I may say that this was not a mass outbreak, it was not a mass Muslim rising but it was an engineered, well designed and well planned move for uprooting the existence of Hindus from those areas. Neither the Superintendent of Police nor the Magistrate paid any heed to the warning that was given by the minority community. It was rather a very clever move on

the part of the Magistrate who was due for transfer to leave shortly before the occurrence not to take any action thinking that he would not be made responsible if anything happened after he left the place. This is very cowardly on the part of the officer....

Mr. PRESIDENT: Mr. Dutta, you should not use the word "cowardly" in the absence of the officer who cannot refute the allegations.

Mr. KAMINI KUMAR DUTTA: I am sorry, Sir and I withdraw it. Then, Sir, the Police Superintendent, Mr. Abdulla, was benevolently inactive all this time and did nothing to check the occurrence. Military did not leave for the place of occurrence earlier than 24th October. On the 23rd I met Lt.-Genl. Bucher and told him the urgent necessity of stationing the Military force in the affected areas. But the actual operation of the military began long after. It is apparent that the administration was sitting idle and doing nothing to check this outbreak of atrocities, to check the primitive methods of barbarities in this modern century.

Then about rehabilitation. On the 1st of February 1947, I had met Mr. Nurannabi, the Special Commissioner for Rehabilitation and I got from him—he had to admit—that people were not getting ploughing implements and grants or cattle as yet and were not getting materials to build their houses which had been burnt. I am speaking of Tippera. I asked him whether he had got cash grants or building materials. He said he had absolutely nothing, neither cash grant nor building materials. He only got assurances on paper. I may say, Sir, that they will get nothing and when something will come, cash grant or building materials, they will be lost in transit or they will evaporate or they will go down to the black market and will never go to the sufferers at all. These people have not yet got any building materials, got no implements of husbandry. So how they will build their houses and how they will plough their fields. This callous attitude of the administration can only be described to be absolutely inhuman. It is a question of politics and it is not a question of party affiliation, it is a question of the demand of humanity, for the sake of humanity let the administration beware.

Khan Sahib Maulvi WAHIDUZZAMAN: Mr. President, Sir, I rise to oppose the motion so ably moved by my friend, Mr. Mahalanobish. I was endeavouring to find whether he was moving a motion about Noakhali or really he was moving a motion about Bihar. Much of what he has stated about Noakhali is true about Bihar ...

Mr. PRESIDENT: Please do not refer to Bihar.

Khan Sahib Maulvi WAHIDUZZAMAN: Sir, he did say and referred to Bihar and I have got to...

Mr. PRESIDENT: It was not approved of by the Chair or by the House and so I would request you not to refer to it.

Khan Sahib Maulvi WAHIDUZZAMAN: I shall try to keep myself as far as possible within the limit but I have got to reply to what he has said about Bihar.....

Mr. PRESIDENT: If you refer to it then it will be my painful duty to ask to resume your seat. So better do not mention Bihar at all.

Khan Sahib Maulvi WAHIDUZZAMAN: Sir, before you say so may I request you to consider whether his portion about Bihar should be expunged or not.

Mr. PRESIDENT: I shall consider that.

Khan Sahib Maulvi WAHIDUZZAMAN: Thank you, Sir. Mr. Mohalanobish has stated that the Muslim League never took any cognisance of what happened in Noakhali, much less the Government of the province.

Sir, I can tell you this much that as soon as the news reached Calcutta on the 14th October the Chief Minister sent one of his colleagues, the Minister in charge of Civil Supplies, Mr. Gofran, to Noakhali and what were his activities at Noakhali everybody knows. If after that somebody comes forward and says that Government were callous or indifferent, I should say he is deliberately thinking of something which he should not think. Anyway, he has accused the Muslim League Government of the province for being callous and inhuman. I say, Sir, this Government overacted in taking action.

I may say a few words about what the Muslim League did here. Immediately the news reached Calcutta, the Muslim League Working Committee passed a resolution condemning the action of the hooligans. The local Muslims did try to prevent these things. The District Muslim League had no information of what was happening there. You are aware, Sir, of the communication difficulties there. One is not expected to know what is happening 15 miles away from the headquarters when there is so much of transport difficulty. Anyway, Sir, that is neither here nor there. I shudder to think what oppression the military police are at present committing on the Muslims in Noakhali under the guidance of what they call the Congress volunteers that are now working in Noakhali under the guidance of their able leader, Mr. Gandhi. I would like to say so though I know, Sir, that Mr. Gandhi has gone there with a noble mission,—at least that is what the Congress platform preaches. Well, I say that Mr. Gandhi has gone there to provoke the Muslims and not really to bring back peace in those areas (A voice: Question?) You may say Question but I say, from his conduct it will show that he has been trying to do so.

Well, I went to Comilla along with other Muslim League leaders and I have seen several refugee centres at Comilla and Feni. But what we found there? Well, not that there is much of complaint against the local Muslims but it was an organised attempt to bring up a case against the local Muslim League and the Hindus have succeeded in making a case under the guidance of Mr. Gandhi. They have been successful in committing the worst type of atrocities, the most criminal acts against humanity.

Mr. BIJOY SINGH NAHAR: Cite an instance.

Khan Sahib Maulvi WAHIDUZZAMAN: There is a number of instances.

Mr. BIJOY SINGH NAHAR: Nowhere; it is all false.

Khan Sahib Maulvi WAHIDUZZAMAN: You may say it is false. What happened at Sealdah and at all the way-side railway stations in Bengal? These Congress hooligans started checking up the passengers that were coming from Noakhali side. Immediately after the incidents of Noakhali these Congress hooligans started setting up what they call relief centres by the railway station sides in Bengal and in the name of relief what they were doing was checking passengers and killing them mercilessly. Muslim women in purdah were humiliated like anything. I was present at the Sealdah station—

Mr. BIJOY SINGH NAHAR: Why did you not stop it when you saw so?

Khan Sahib Maulvi WAHIDUZZAMAN: Well, I did my level best. Again I tell you, Sir, it is due to the kindness of the Chief Minister that they are still there, they are still functioning there. Sir, the civil administration of Noakhali has ceased to function. The criminal administration is now continuing under the guidance of that hypocrite Mr. Gandhi.

Mr. BIJOY SINGH NAHAR: Stop it.

Mr. PRESIDENT: Mr. Wahiduzzaman, the use of that expression neither adds force to your arguments nor to the dignity of the debate. So will you please withdraw that expression?

Khan Sahib Maulvi WAHIDUZZAMAN: No Sir, because I feel that he is a hypocrite.

Mr. PRESIDENT: In that case, I am sorry, I shall have to ask you to sit down.

Khan Sahib Maulvi WAHIDUZZAMAN: I will sit down but I will not withdraw that expression.

Mr. PRESIDENT: I shall not allow you to speak further.

Mr. HARIDAS MAZUMDAR: I shall speak later on. My friend Rai Bahadur Jogendra Nath Ray will speak now, Sir.

Mr. PRESIDENT: It is for the Chair to decide who will speak next if you do not want to speak now. Order, order. Yes, Mr. Amulyadhane Roy.

Mr. AMULYADHANE ROY: Most deeply I regret the unfortunate incidents in the districts of Noakhali and Tippera and my heart-felt sympathy goes to the sufferers in those districts. But, Sir, I have occupied this floor of the Chamber not to apportion the blame between the Ministry and the Opposition or for the matter of that between the Muslims and the Hindus. The only question that arises in my mind is this: What is the utility of this adjournment motion? Will it lead to Hindu-Muslim unity? My answer is an emphatic "No". Will it go to allay the sufferings of our brothers and sisters in the districts of Noakhali and Tippera, or will it go to the solution of the root cause which is responsible for the misfortune of thousands of men, women and children? Here, again, my answer is the same. Then, Sir, let the tragedy of Noakhali and Tippera on which this adjournment motion is based be an eye-opener for our future guidance. With the utmost humility let me make an appeal to the honourable members of the opposition to show through this adjournment motion how this chapter of civil war in India can be finally closed on the recognition of mutual rights and claims by an agreement between the different communities concerned. For the sake of Hindu-Muslim unity which is the only way of achieving India's independence and avoiding this calamity, may I urge upon my honourable friends on the Congress benches to induce Mahatma Gandhi to go to the province of Bihar, so that by his action he may win over the Biharee Muslims? Why am I making an appeal to this effect? Congressmen should realise that rightly or wrongly, probably wrongly, the Muhammadan community is suspecting Gandhiji, however noble his mission may be in Noakhali, and I hang down my head in shame that according to some honourable members of this House, the greatest man in India is today a suspect in the eyes of Muhammadans. Therefore, Sir, if Mahatma Gandhi goes to Bihar, by his action he can win over the confidence of the Muslims there by persuasion, can induce the Hindus to win over the confidence of Muslims and *vice-versa*. Thus it will lead to Hindu-Muslim unity which will fully bring about India's independence. Before I finish this subject I must urge that relief measures in every shape should reach the door of every sufferer if the Ministry wants to survive. With these words I oppose the adjournment motion.

Mr. LALIT CHANDRA DAS: Mr. President, Sir, I must at the very outset controvert the statement of Mr. McInerny, the District Magistrate of Noakhali, who once said that the disturbances in Raipur, Ramganj, Lakshmipur and Begunganj thanas in his district were due to economic causes. If it were so, the disturbances would not have taken a communal turn. All poor Hindus and poor Muslims would have combined to fall upon the rich Hindus and the rich Muslims and there would have been no outrages on women or forced conversion.

Sir, the whole thing was political. It was not the work of hooligans as we understand the term. It was planned. Ex-servicemen led and the Muslims very generally joined, in which there were presidents of several union boards. They fell upon the inoffensive and unoffending Hindus, many of whom, on the plea of being given protection were subsequently treacherously done away with. Their war cry was—

বোদাব সন্তান অমিবা মুসলমান,

লড়কে লেঙ্গে পাকিস্তান,

মাবকে লেঙ্গে পাকিস্তান।

They were armed with all sorts of weapons ranging from guns to lathis, brickbats and bottles. They cut the highways so as to make governmental or private relief or rescue impossible. By Pakistan they understood not the majority rule of the Muslims but the Muslimization of the whole area. And so we find innumerable instances of forced conversions. In pursuit of their pet idea of Pakistan, they descended themselves to the lowest level of beasts. They raped women, forced them to marriage, committed murders by hundreds, inflicted wounds on thousands, burnt houses as they liked and looted properties worth lakhs and lakhs of rupees with the results that panic-stricken people fled not only from disturbed areas but also from unaffected parts on apprehensions of oppression. Disturbed areas were mostly confined to thanas of Raipur, Ramganj, Lakshmipur and Begumganj in Noakhali and to thanas of Chandpur, Faridganj and Hajiganj in Tippera. Over a lakh of people migrated to different parts of the province and even beyond. It was a planned invasion. Meetings were frequently held before the disturbances in which violent speeches were made by the Muslim Leaguers depicting what happened in Calcutta in August last and what was the proportion of Muslims and Hindus killed in the Great Calcutta Killing. Local authorities were forewarned of the coming events. No preventive steps were taken. And when the disturbances started they did very little to circumscribe it or to stop it. The attitude of the local authorities encouraged the invaders to do their worst and they did their worst for a period extending over a fortnight till the Military were on the spot. If Government really intended to suppress the rising, it could have been quashed in a week's time as was done in Bihar. But, Sir, the persons in power seemed to enjoy the whole thing. While from time to time condemnation came from high quarters, it was not followed by suitable actions. Sir, the Chief Minister and the Minister for Civil Supplies visited the disturbed areas. They blew hot and cold at the same time and their behaviour brought no tears in the hearts of the wrong-doers. Mr. Fazlur Rahman also saw the arrested hooligans who threatened to go on hunger strike, and what he told them he knows best. There was however one Minister, Mr. Shamsuddin Ahmed, who spoke feelingly and did not mince matters. Since then he is in the bad book of the Muslim League Party.

Even the military worked under great disadvantage as they had work under the direction of the police which being under the civil Government then stayed the hands of the military. Otherwise many abducted women who still remain untraced could have been rescued. Worse than murder or arson or loot were the outrages on women. These outrages were so calculated, brutal and gruesome, that it was no wonder that the virile Hindus in Bihar lost their balance and retaliated terribly for which we all regret and sincerely regret and for which the Government of Bengal should be held responsible for having given a long rope to the Muslim Leaguers to carry on their Direct Action Policy which is at the root of all the miseries. The Government of Bihar in dealing with the Muslim refugees did everything in their power to restore confidence and feed them and clothe them. In comparison with them Bengal Government's action in dealing with the Noakhali and South Tippera refugees calls forth the present criticism. This Government action has been so half-hearted, ineffective and inadequate that but for Gandhiji the areas where disturbances took place would have remained

waste only to be occupied by the Muslims. This great soul at the age of 78 is now going from village to village offering prayers, giving advice to the people and doing everything in his power to induce the Muslims and Hindus to live as before in unity, love, peace and co-operation. It is this great soul's action which is responsible for return of confidence and with it the return of refugees to their hearth and homes. The Government, as constituted, and as it is a communal Government, would not have cared a straw, if the refugees had not have returned, however glibly they might talk. Although there was such a catastrophe, the Government did not transfer any notable officer for their acts of incompetence or negligence. They merrily carried on. The standard of morality was brought down so low by the spirit of communalism in the ranks of officers dispensing justice that hundreds of persons accused of murder, arson, loot, rape, etc., and arrested for trial were allowed to go on bail even in cases of nonbailable offences. Thanks to Tippera S. P. there was appeal against such bailing out of criminals. The District Judge had to intervene, cancelled bail and though his orders were appealed against in the High Court, the High Court upheld the decision of the District Judge. The communal executive officers are still in their respective places without any fear of transfer or admonition.

The truth is, so long as there is this communal Government which for power have to look to Muslim League party outside, and the holders of power are men of no very great honesty or of intellectual eminence, such things will always happen. Indeed the morality in the administration has gone down so low, that now, however regrettable, there is a section of the people who are demanding partition of Bengal and asking for a Government of the Bengali Hindus for them and by them.

Sir, in various ways, by bringing in highly controversial Bills, for grabbing at lands, allocation of money for the Muslim community without caring for the opinion of the other major community who furnishes the bulk of the money of the Public Exchequer, simply relying on communal majority votes—which are not truly democratic votes—this Government are leading the province to a serious crisis and I see nothing but darkness ahead till this dark force so wholly represented in the formation of the Government is not totally crushed. For this every honest man should try.

Mr. MD. TAUFIQ: Sir, I rise to oppose this motion, because I do not find any justification for it at the moment. Had this motion been moved for the police *zulum* which is going on in Tippera and Noakhali certainly it would have some ground. These communal riots were spreading all over India from one end to another and in many places much more atrocities were committed and lawlessness prevailed for longer period. The members of the Opposition should have congratulated this Government having put this lawlessness to an end at a very early date. In many other provinces lawlessness is still going on and they could not quell it. Sir, everybody has got sympathy with those who have suffered in these riots, but these occasions should not be utilised for advancing the propaganda of a party. My friends on the opposite always try to utilise such occasions to meet their party ends. They had done similarly when Bengal Government had very wisely declared August 16th as a holiday. They put in several adjournment motions, created ill-feelings, gave wide publication to their mischievous propaganda which resulted in a serious riot in Calcutta. Now again they are trying the same methods, and it appears that their thirst for human blood has not been quenched. When this great danger of communal trouble has not come to an end the Opposition should have acted with some restraint on an occasion like this. Instead of doing so, they, as usual, are trying to put the blame on the Bengal Government who have acted very promptly and generously so far as relief and rehabilitation of refugees is concerned. Every possible attempt is being made, every possible help is being given, but to my friends on the opposite, whatever

good is done, it looks to them a bad thing. So I again say that there is no justification for this adjournment motion on this occasion.

Mr. BIJOY SINGH NAHAR: Sir, in Noakhali the first incident that came to notice happened on the 10th of October, i.e., after the close of the last session of this Council and naturally this motion has been tabled today to show the utter failure of Government to check the disturbances there. Many incidents happened, many murders and many lootings happened before that date in those areas. There were hundreds of petitions to the District Magistrate and the Police Superintendent and also to the Hon'ble the Chief Minister but nobody cared; nobody took any action; nobody wanted to see in reality what was going on there, what was happening there. The Government were utterly callous at that time and for their utter callousness these things could happen. Even after these incidents, for a few days, as our Leader Mr. Dutta has pointed out, the local authorities, the District Magistrate and the Superintendent of Police, were enjoying the fun in the town leaving aside the district in the hands of the murderers and looters without taking any interest in the administration. I do not know whether they at all sent any intimation to the Chief Minister or to the Government in Calcutta. It might or might not have come, I do not know. But at least I can assume that they did not send any intimation as the Hon'ble Chief Minister has not said anything. At the time the authorities did not act at all, they took the affair perhaps lightly, or I should say, they connived at these things and they enjoyed the fun of these sad and terrible happenings. Sir, I say that the Government and the Ministers failed even in discharging their elementary duties by the people to maintain law and order. One of my friends on the opposite side stated that the Government over-acted. May I know what the Government did? Can you point out how many arrests have been made there? Have the Government even now imposed any collective fine in those areas where these crimes were committed? I should say, No. Still now no collective fine has been imposed in these places. Why? We know what the reply could be. It was not imposed because these heastly acts were committed in a Muslim majority district and the persons who did these were all Muslims and the supporters of the Muslim League, the party to which the present Ministers belong. Sir, today the Government have lost the confidence of the people of the Province. (The Hon'ble Mr. SHAMSUDDIN AHMED: Long before!). The Hon'ble Minister over there says that they lost the people's confidence long ago. They should be ashamed of this and of their failure to run the administration smoothly guaranteeing the people safety of their lives and property. They should be ashamed of the fact that they have miserably failed to discharge their primary duty and function to the people.

My last point is this that the Government did not make any arrangements for essential facilities to those who suffered, as an instance I may cite that transit facilities were absolutely inadequate. I know of instances where people were not allowed to board steamers or trains and they were forcibly taken out and were not allowed to go out of their places. They were not given rations even in towns; no food had been supplied to those sufferers. The batch of relief volunteers who had been to these places were not allowed to carry on their relief work to the distressed people because the Government thought it unwise to allow them to go there which they thought would create agitation. (ONE HONOURABLE MEMBER: Did you go there yourself?) No, I did not but I am speaking from knowledge and information and from facts and figures, and as a matter of fact if I had time I could have placed them here today. (ONE HONOURABLE MEMBER: Was it not your duty to go there?) I know that these incidents actually happened there. I therefore charge the Government and the Ministry with failure to do their duty at the time and have therefore lost the confidence of the people. They have absolutely mishandled the whole

thing; the administration has absolutely failed; it has not taken any action against officers who did not perform their duty; they have neither seen nor cared to see whether their own paid officers acted wisely and properly and have allowed things to drift on without taking action against officers who did not act or inform the Government in proper time of the happenings although they were informed beforehand that such incidents might happen.

Sir, Mr. Taufiq has mentioned that even now police *zulum* is going on there against the Muslims. I would like to hear of such instances. If police *zulum* is going on there, why does he not ask his own party members or his own Chief Minister to stop this *zulum*. (ONE HONOURABLE MEMBER: Because Mr. Gandhi is there). Well, Sir, I know who is who. If the police *zulum* is going on there it is the duty of the Minister in charge of Law and Order to stop it, to see that the people can live happily and peacefully and confidence is restored amongst them. It is their own government and it is therefore shameful that they cannot stop this alleged *zulum*. I will not go into further details but I would like the Government to take proper steps and to see that confidence does come back among the people of Bengal and no further incidents of this kind ever happen.

Mr. HAMIDUL HUQ CHOWDHURY: Mr. President, Sir, I will not imitate some of my friends who have spoken on this motion, nor shall I be as light-hearted as the mover of the motion has been, obviously because it is the cheapest way of courting popularity of the public by championing the cause of his community just from the safe precincts of this Chamber. It is not my purpose today to try to apportion blame for what has happened in Noakhali or in Calcutta or elsewhere. These are, may be, links in the chain of communal antagonism which is embittering the feelings of the people from one end of the country to another. It is not also my purpose to say what is the proportion or extent of the damage in men and money that has happened in Noakhali compared with what has happened in Calcutta or in Bihar. It is just possible that what has happened in Noakhali is only one-hundredth part of what has happened in Bihar. But, Sir, the result is the same. The result is the same destruction of one man by another.* Sir, we have to be ashamed for all these, whether a Hindu has been killed or whether a Mussalman has been killed. We must remember that responsible political leaders have to play their own part and not exasperate the feelings further and embitter and rouse those passions which are responsible for these ugly and inhuman occurrences amongst us. Therefore it will not be proper for any one to try and rouse the same hatred that has been perpetrated here in Calcutta and in Noakhali. One thing that I am afraid of is that the politicians are taking this antagonistic attitude to such an extent that the entire machinery of the Government is in danger, so much so that the loss in Noakhali would not be so much in comparison with the loss that would take place if the entire machinery of Government breaks down. The leader of the opposition has spoken about the happenings in Noakhali in an unrestrained and irresponsible manner and has shown great passion against the officers of Noakhali simply because they happened to be Muslims.

Mr. KAMINI KUMAR DUTTA: On a point of order Sir. Mr. Chowdhury was speaking of my statement and said that I was accusing the officers of Noakhali because they were Muslims. But the District Magistrate at that time was a Hindu officer and not a Muslim.

Mr. PRESIDENT: This is a point of personal explanation:

Mr. HAMIDUL HUQ CHOWDHURY: Then again, Sir, I know of incidents in which colleagues of my friends opposite, some of the leading men of the Hindu community, were approached by us for accompanying to the affected areas in order to bring peace and confidence to the homes of the Hindus there but they flatly refused to go there. I have also known

of cases in which Hindu politicians ran to the Government established refugee camps and asked the refugees to leave the place and took their names in order to make but false cases. I know of cases where Hindu politicians who never went to the villages of incidents but gave names of innocent persons there and implicated them simply because they belonged to the other community as if it is sufficient to entangle as many Muslims as possible and take them before courts of law and get them punished. I am afraid, Sir, the whole administration is on the breaking point. It is or the Government to devise ways and means to deal with the situation and prevent this break down of the machinery. There are Hindu officers, magistrates, Judges or policemen and they should always think that they are serving the Government and should not take sides. There are cases when sides were taken.....

Mr. NAGENDRA NATH MAHALANOBISH: On a point of order, Sir. Is he entitled to say this against Hindu officers of Government?

Mr. PRESIDENT: He is quite in order.

Mr. HAMIDUL HUQ CHOWDHURY: Then, Sir, we have seen how innocent Muslims were being punished on the plea that they were named by some Hindus to have been involved in the arson. I have also come across cases in which Hindus said that their lives were saved by such and such persons but the next information was that those very persons who were reported to have saved their lives were said to have been responsible for the murder of hundred Hindus and thus they were clapped into jail and are still rotting there. Now, Sir, if I compare the incidents of Noakhali with those of Bihar where 50,000 Muslims were said to have been murdered and the steps taken by the Bihar Government to stop

Mr. LALIT CHANDRA DAS: On a point of order, Sir. Can he speak about Bihar?

Mr. PRESIDENT: Mr. Chowdhury, you should not speak about what took place in Bihar.

Mr. HAMIDUL HUQ CHOWDHURY: All right, Sir, I withdraw the word "Bihar".

Therefore I will not ask the Government to imitate the authorities elsewhere and behave as partisan in these riots, in these fights, but behave as a responsible organisation. If this Government have to do that, they will have to remove and restrain those ugly officers who have forgotten their duties so much so that they are taking vengeance of what has happened already as if they are championing the causes of their own community. Another remark has been made that this Government have not imposed punitive taxes as yet in those areas. But, Sir, the disturbance has been quelled in ten days and after that there has been no further disturbance. Certainly some amount of restraint should have been enforced on those who created a sense of terror in the minds of the entire populace there.

Now, Sir, I would have very much appreciated if Mr. Gandhi went to the Hindus in places where the Muslims had suffered and bring back the friendship which had been lost and vice versa, if he had by his persuasion tried to win back the confidence that has been lost. But he has not done so or is not doing that.

As regards the rehabilitation grant, I may tell the House that the Budget will reveal what amount of money the Government have, out of their generosity, granted to restore the confidence, to help the people to build their burnt houses, etc. It may not be known to the honourable members opposite what amount of care has been taken by this Government to see that Mr. Gandhi does not feel any discomfort in his visit to these riot-affected places. Think of this attitude of the Bengal Government and

you should be ashamed of those authorities who created difficulties in the relief work undertaken elsewhere.

Mr. PRESIDENT: Mr. Huq Chowdhury, your time is up.

Mr. LALIT CHANDRA DAS: Sir, will you please give him a minute to express regret for what has happened in his own birth place.

Mr. PRESIDENT: I am sorry, I cannot.

Rai Bahadur JOGENDRA NATH RAY: Mr. President, Sir, we have assembled here today under the dark shadow of all-pervading shrieks and bewailings of the bereaved, the destitute and the ruined, the poor victim of Noakhali and adjacent parts of Tippera. The air is thick with deep mutual hatred, disgust and misgivings which will probably never disappear from Bengal's mind in spite of all the swan-songs of Mr. Suhrawardy, our popular Chief Minister who is also in charge of Law and Order. It was really a war against the weak minority of Hindus in the Noakhali district who form a little more than one-sixth of its population. In the affected areas they have been ruined in every way and in every sphere—in religious life in economic status and in prestige. Almost all the Hindu villages and almost all the Hindu sections of other villages in the affected areas have been attacked and sacked. The ruin of village after village, the burning and pulling down of houses, one after another, the untold sufferings of large masses of humanity—where could we find the wealth of expression to give them shape in language. S. J. Brojen Chakravarty, Secretary Chandpur Relief Committee, sent the following Telegram under date October 16, 1946:—"Arson, looting and murder have started on a mass scale throughout the subdivision, specially in sadar, Faridganj and Hajiganj thanas. Reports of forcible conversion are numerous. Refugees are pouring in thousands. Mobs are proceeding towards the town (Chandpur). Police force is absolutely inadequate and the way out is machine-gunning from the air by noon today. Military help is also immediately essential to save the town". From a report of S. J. Surendra Mohon Ghose, President of the Bengal Provincial Congress Committee, which also appeared in some of the Calcutta dailies, we came to know that "at least over 5 thousand persons have been killed in the lawlessness in certain areas of Noakhali and Tippera since October, 10". S. J. Ghose adds that "over fifty thousand others have been affected by the other acts of the rioters, namely, forcible conversions, forcible marriages and abductions". From the very beginning of the occurrence, the authorities have been dinning into the ears of the people that the newspaper reports appearing than were exaggerated. To attempt to belittle this terrible and stupendous havoc is a crime against civilisation and humanity. In spite of these, the officials are denying the reality of Noakhali havoc. Indeed history has yet to record such wonderful forensic skill and foresight and masterly activity on the part of a Minister in charge of Law and Order for the proper protection of the life and property of the people—or should I say—such criminal and deliberate inaction on the part of such Minister with full apprehension of the orgy of violence that is very likely to happen and that in fact happened and continued to happen, the like of which even did not follow the invasion of Nadir Shaw or which Burke could not paint.

Sir, essentially of a moderate temperament that I am, none but God alone knows how much it pains me when I feel an uncontrollable urge within me to allow this vocal expression to gush out of my bleeding heart! Is there even a parallel to this in history? Sir, the greatest problem that confronts us today is not whether the Hindus struck first or the Muslims struck first or whether the Hindus have been killed in larger numbers or the Muslims have been killed in larger numbers. The first and foremost question of importance is who are responsible for this great calamity, how far the Government have discharged their duties for the preservation of peace and tranquility, law and order in those fateful days and whether the

Government had reasonable causes of apprehension about the possible outbreak of disturbances in Noakhali, and if so, what steps did they adopt to meet such a possible situation. Even a general perusal of the notorious outbursts of some of the big guns of the Muslim League of Bengal at the time will make it quite apparent to any layman how horrible their effect might be in the mind of the illiterate and inflammable mob. May I ask Mr. Suhrawardy why the Government did not make elaborate police and military arrangements just on the receipt of the news of the outbreak of violence? The newspaper reports show that even when violence broke out no sufficient measures were taken by the Government at the earliest stage to meet the situation. Fancy, the Inspector-General of Police, says a Bengal Government press note, flew to Chittagong on the 16th October that is, practically a week after mass violence had started in Noakhali. According to reports the Chief Minister who is also the Minister of Law and Order, is "not thinking of visiting Noakhali now". The Governor was having a brief holiday in the hills. The Viceroy, it is reported, asked the Governor of Bengal to send him "fuller reports" of the terrible happenings of Noakhali. And there it stands! Meanwhile the helpless thousands, men, women and children got mercilessly killed and their homes ransacked. The League Government of Bengal could neither prevent nor stop the Calcutta carnage. Its colossal inaptitude in those terrible days was visibly demonstrated. Similar inaptitude on its part has now been responsible for the killing of another 5,000 in an East Bengal district. We simply fail to understand now such a Government is allowed to function. Military help was taken at a time when crores of valuable properties had been destroyed and thousands of innocent lives had been lost. Is not this inaction on the part of the Government a crime against constitution and law and are not the people who are running the Government liable to impeachment forthwith? There are various other charges against the Government and that even by the Press and the persons of great importance in the public life of this country. Failure to realise the gravity or to convey it to the military in time may after all be an act of great remissness, whether it was wilful or otherwise, it is not for us to say. What is it that many eye-witnesses' accounts reveal—and some of the eye-witnesses are responsible and respectable citizens? They reveal, if anything, criminal callousness and inaction on the part of the police. If the newspaper reports are true, certainly any reasonable man will consider the Government action to be far less satisfactory than what it should be. I do not of course grudge the Government spending the public revenue of Bengal for the interests of the non-Bengalis but I would like to remind the Government only of the fact that Bengal's interests should be the first charge upon Bengal's revenue. Before satisfying Bengal's needs not a single farthing should be spent otherwise in the interests of those who are non-Bengalis and who have been dwelling elsewhere.

Apparently the Government have very miserably failed in the proper discharge of their primary duties which mean the preservation of the life and the properties of the people. Referring to this Government Pandit Jawaharlal Nehru said shortly after the Calcutta carnage "One is inclined to doubt after this if it is any Government at all". And he, I believe, was not far wrong.

"In quietness and confidence" said the Governor in one of his broadcasts, "shall be your strength". The Governor need not ask people for confidence. We may assure His Excellency that confidence will come unasked the moment the people find the Government doing their duty fearlessly, impartially and conscientiously. Let the Government vindicate their right to be regarded as a decent Government that is neither directly nor indirectly sullied with any kind of charge whatsoever for this great carnage.

Mr. HARIDAS MAZUMDAR: Sir, I tabled a motion for adjournment of the House for Government's failure to protect the lives, property and

honour of the minority community in Noakhali and Tippera and you, Sir, very properly admitted the motion of my friend which is more comprehensive. In supporting the motion moved by my friend, Mr. Mahalanobish I only want to point out here a few salient facts for discussion and consideration by the House. Since the notorious incident of the 16th August last, the public came to realise the sinister motive of the Muslim League. The Hon'ble the Chief Minister, just after the incident, declared at Bombay that what had been done in Calcutta could easily have been undertaken in the districts of East Bengal. Fears in the Hindu mind were naturally raised and the leaders of Noakhali and other places many of whom were the leading members of the Bar, made frantic appeals to the district officials to take timely action, but subsequently events showed that all these ended in nothing. It may be remembered by the House that in reference to Dacca I too raised the question just after the conclusion of the Budget Session last time to which the Honourable Chief Minister held out the assurance that he was personally visiting the affected areas in East Bengal with leaders like Mr. K. S. Roy and others and would spare no pains to restore normal state of affairs there.

Sir, I am deeply sorry to tell you here that communal riot broke out afresh just after his coming back from the riot-affected areas. Arson, loot, plunder continued to play havoc in the districts of Dacca, Noakhali and Tippera. Mr. Harendra Kumar Chowdhury, M.L.A., issued a statement just about a fortnight before the ugly tragedy of Noakhali in which he warned the Government of the elaborate preparation which was then being made by a gang with Muslim League slogans in their mouths, but neither the Provincial Government nor the district authorities took any measure to meet the forthcoming eventuality. Mr. Nazimuddin on his way back from the Punjab declared that a serious communal conflagration might take place and it would happen so soon that he might not reach his own province. I don't like to quote any more instance to prove the fact that extensive preparation was undertaken by a gang of hooligans to launch the Noakhali campaign and the Government remained unaccountably and unnaturally inactive.

The District Magistrate and the Superintendent of Police of Noakhali were approached by the local leaders but they maintained a passive attitude and deliberately failed to take active measures for the future insurance of peace and safety of the minority community of the districts. Late Rai Sahib Rajendra Lal Roy and others, it is understood, handed over to them threatening letters received by them but instead of taking measures to trace out and punish the culprits, the incompetent District Magistrate slept over the matter. It is again curious that this incompetent Magistrate was removed on the day of occurrence, that is, the 10th October, and the district remained nominally under the charge of Mr. Zaman but practically without any District Officer.

Now, again, Sir, the ugly tragedy happened on and from the 10th October, but Calcutta the civilised world came to know of this horrible atrocity after three days in an incomplete and evasive statement of the Premier that there was something wrong in the district of Noakhali. Three or four days more were necessary to have a full idea of the tragedy in details. Thus you will see, Sir, that the whole incident is full of significance. It is full of perplexity too. We have been repeatedly asked to forgive and forget. Can we forget the heinous crimes committed upon our womenfolk deliberately with sinister motive to annihilate the race? Can we forgive the persons who still are hiding the abducted women and the Government being seemingly callous or helpless. From the report of Mr. Simpson, a portion of which is said to have been just leaked out, it appears that "a mass scale molestation of women was committed". Three hundred women were outraged in one place and four hundred in another. A local Muslim leader gave definite assurances to the minority community in case of any

mass attack; but at the time of direct action, this local leader conducted the orgy of loot, arson and abduction with all satanic glee under his personal supervision. Even the report suggests that the officials were in league with these elements. The problem of problems is still today how to free this marooned womenfolk who are still under the clutches of the ruffians.

Sir, mere discussion of these tragedies that have become every day affair in Bengal life will not do. The Hindu legislators who form the major portion of the Bengal Opposition, if they have any sense of honour left to them, should follow the footsteps of the League leaders working in other provinces নান্য পথ্য বিদ্যাতে অয়নায়। This is the only way. Failing that there is no other alternative than to partition Bengal on communal majority basis for the sake of safety, security and tranquillity of both the communities of the Province.

With these words, Sir, I commend the motion for the acceptance of the House.

The Hon'ble Mr. H. S. SUHRAWARDY: Mr. President, Sir, I am sure that every one in this House deplores the incidents which occurred in Noakhali and Tippera and condemns the action of those hooligans who resorted to the crimes. I shall try and be as objective as possible and place before the House what steps the Government took to control the situation, and I think, Sir, that Government can take credit that the situation was controlled very rapidly indeed without any great loss to the minorities. I make bold to say that the situation would not have been controlled so easily had it not been for the assistance that Government received from the local Muslim League and Muslims in general. It is a ravesty of facts to say that the Muslim League was behind that lawlessness: a lawlessness that was condemned throughout by every single Muslim League leader and by every Muslim League organisation. Time and again have Muslims in those areas tried to save and actually did save Hindus from molestation. Unfortunately this is now being forgotten, and today we have the spectacle of respectable Muslim Leaguers being implicated through false information and being put in jail. Sir, the incident started on or about the 10th of October. Before that there had been rumours and reports of light disturbances. Feni appeared to be in a state of ferment, but there were no reports in the hands of Government that Ramganj was likely to blow up. On the 10th a Gurkha military unit of 120 was sent to Feni. On this very day incidents occurred at Ramganj—considerable distance away—nearly 40 miles. Sir, no one knew that things were boiling up in Ramganj. I would request the House to realise that the area is intersected with canals and at that time the canals were full. Movements were therefore very difficult except for persons who had definite objectives and knew whither they are going. This difficulty of movement hampered the police and military in chasing the hooligans; for while they went in one direction the hooligans managed to decamp in another. This detachment of 120 was despatched from Chittagong at the request of the Commissioner of the Chittagong Division who received information that the Feni situation was deteriorating. On the 13th October information was received at police headquarters at Writers' Buildings that there were widespread lawlessness in Ramganj police-station on the 10th of October, the Superintendent of Police, Noakhali, reported the inadequacy of the police and asked for additional police force to be placed at his disposal. He asked for one Sub-Inspector, three Head Constables and twenty-five constables. Immediately on receipt of this information the Inspector-General ordered the despatch of extra police force from Chittagong to Noakhali. When I refer to Head Constables and constables I refer to the armed police. So ultimately you will find that 450 armed police were sent to that area. They started arriving at Feni on the 13th October and proceeded to Ramganj. One Sub-Inspector, 3 Head Constables and 30 constables from Bakarganj arrived on the 14th October and one Sub-Inspector, 4 Head

Constables and 50 constables from Alipore left by Chittagong Mail for Noakhali. The Deputy Inspector-General, Rajshahi, was ordered to depute 4 Head Constables and 50 constables to Tippera immediately. They arrived at Feni on the 13th. Two platoons also arrived at each of these two places. Now you will see, Sir, the steps that Government took and how soon the situation was brought under control. I will say one single sentence about Bihar just to point out what steps we took to control the situation. I mention this only to show how soon we brought the situation under control. (Mr. LALIT CHANDRA DAS: In how many days?) In 6 days. On the 10th the trouble started and after the 16th of October there was no incident in Noakhali and after 20th October there was no incident in Tippera. These were the steps that we took. The police opened fire in Beganganj killing 3 and arresting 5. In another place, Sir, there was no firing on the hooligans and thousands of people were murdered—

Mr. BIJOY SINGH NAHAR: Sir, can the Hon'ble Minister refer to the action of the other Government now?

Mr. PRESIDENT: The Hon'ble Minister had better not referred to the action of the other Government here.

The Hon'ble Mr. H. S. SUHRAWARDY: I merely pointed out to you that this Government—

Mr. PRESIDENT: It is better to depend on the merits of your own case.

The Hon'ble Mr. H. S. SUHRAWARDY: On the 14th October, Sir, the police opened fire at Sonaimuri wounding 3, of whom one died later. The Additional Superintendent of Police engaged a mob of looters on the night of the 13th and 14th October in Rangganj area and opened fire on the looters killing 5 and arresting 3. On the 16th October the Superintendent of Police, Tippera, reported by wireless that trouble had started in the Laksham area and the Deputy Inspector-General of Police, Burdwan Range, sent a force of 5 Head Constables and 50 constables (armed police) there early on the 17th morning. On the same day in addition to the 500 armed police already despatched to the disturbed areas of Noakhali and Tippera to supplement the numbers previously stationed in the two districts, an Indian Infantry Brigade Headquarters and a battalion each of the Punjab and Rajput regiments were sent there. On the same day two platoons of armed police at Dacca were ordered to proceed to Noakhali immediately. On the 16th of October the Inspector-General of Police left by air for Chittagong arriving there at 3 p.m. He discussed the situation there with the Commissioner of the Division, Deputy Inspector-General of Police and other local authorities and the provisional disposition of forces was agreed upon and preventive action was decided on the following lines, to stop trouble from spreading further and arrest the ringleaders and the hooligans. On the 17th of October the Inspector-General of Police accompanied by the Divisional Commissioner and other military officers flew over the affected area. It was decided that a joint military and police headquarters should be established at Chandpur and reconnaissance planes were constantly patrolling the affected areas. Special trains for the movement of troops were arranged. The Deputy Inspector-General was directed to tour the affected areas and arrangements were made for the posting of a Sub-Inspector to each military unit to co-ordinate police and military activities. On the 19th October His Excellency the Governor, myself and the Inspector-General of Police visited Feni and flew over the affected areas of the districts of Tippera and Noakhali. The Inspector-General returned to headquarters only on the 20th after supervising the arrangements. Two companies were despatched at once one to Chandpur and one to Laksham. On the 16th of October the Deputy Inspector-General had to open fire in the jurisdiction of Begumganj thana and disperse a mob. On the same day the police

opened fire on the unruly mobs in some places in the jurisdiction of Chandpur and Manipur police-stations with some casualties in killed and wounded. On the 15th and 16th the police opened fire on three occasions in Faridganj in Tippera district killing 5 and wounding 15. They again opened fire on the 19th of October in an area in Chandpur police-station killing 5 and wounding 10. There was firing at Ramganj on the 18th of October killing 1 and wounding some.

I hope the honourable members opposite are satisfied that drastic action was taken against the offenders and firing was resorted to whenever the occasion arose for it. The Inspector-General left Calcutta on the 22nd October and visited Comilla and Chandpur to discuss the situation. Arrangements for the despatch of troops were made. The police opened fire five times on the 18th October in Ibrahimpur, in Chandpur police-station killing 2 and wounding some. This is the state of affairs, Sir. Everything was done as soon as information reached the authorities and armed police were sent from all parts of Bengal to the affected areas and the military were also mobilised and they took action wherever they found violence taking place. Not only did they open fire on such occasions but they prevented trouble from spreading further for which they traversed the whole area as much as was possible under the circumstances.

I think, Sir, this compares very favourably with any action that any Government could have taken in the matter. Then after that, Sir, we started taking steps for the purpose of rehabilitation of the refugees. Reference has been made to Mahatma Gandhi's visit over there. Mahatma Gandhi, Sir, has gone there with the object of restoring confidence among the Hindus. He has gone there to speak to them and to ask them to come back. This is the policy of this Government as well, Sir, that there should be rehabilitation and that the Hindus should go back to the areas where their homes are and should not be frightened.

When I went to Noakhali and Tippera I met huge crowds of Mussalmans and there was unanimity amongst them that the Hindus should come back, and they guaranteed them protection and said that their own lives would be forfeited if anything happened to the Hindus. Unfortunately, at that time there were quite a large number of persons posing as volunteers of various organizations, who, while we were making arrangements for the Hindus to come back, were instructing them not to do so, and were even encouraging exodus, so much so, that even on the day that Mahatma Gandhi arrived over there, there was general exodus of Hindus from those areas. If the Hindus could trust the Muslims sufficiently, the Muslims in their turn guaranteed them protection. So, it will be seen that it was not the Muslim community as a whole that was responsible, it was not a general uprising of the Muslim community against a minority community. I am absolutely confident and you will also honestly admit that had it not been so, the incidents would not have been as restricted as they were in magnitude and extent.

Sir, I think it is right and proper that I should place before the House the extent of the damage, for Government have nothing to conceal and I have no desire to conceal, let the world know and compare and then judge. Sir, a great deal has been said of the extent of the damage caused by these incidents. Sir, let me say at once that the damage caused by these incidents of cruelty and heartlessness performed by an aggressor community, namely, what took place in Noakhali, pales into insignificance compared with what was done in other and different parts of the country. Let me also say that this speaks volumes for the Muslim nation and the Muslim people at Noakhali. Let me tell you, Sir, that only 418 villages, 240 in Noakhali and 178 in Tippera were affected. Of the number of persons killed and we have taken a complete tally over and over again on this point, because we have given every consideration even to rumours of complaint, and have tried to check them up. I placed two judicial officers on special

duty for the purpose of assessing for themselves what actually took place. They were judicial officers of the highest integrity and impartiality and they reported.....(interruptions). (ONE HONOURABLE MEMBER: Who were they? But after all they were your own officers.) Yes, they were our own officers but I may repeat that they are officers of the highest integrity and impartiality. Their names are Mr. E. Simpson, I.C.S., and Mr. R. Gupta, I.C.S. I will deal in detail with Mr. Simpson's report when I come to that part. It is in their report and we have checked up those reports over and over again, and as a matter of fact, I am giving you more than what they gave us, that in Noakhali 145 men were killed and in Tippera 37, total 182. Just compare this figure with the figure ascribed by my friends on the other side, which is in thousands, and tens of thousands. Respectable leaders of the Congress party startled the world by saying that as many as 5,000 Hindus had been killed, and precipitated incidents elsewhere. The number of persons injured in Noakhali is not known but it was small, and in Tippera it was 50, which included 30 Muslims. As regards abduction, and here I am also pointing out about forcible marriages, I may tell you, Sir, that this has been checked up not merely on the wild statements of the people but on reports. If in this connection I say that only ten persons came and complained, and they speak in terms of thousands and millions, then I am afraid they are on the wrong side of the stile. Abductions in Noakhali were ten in number, in Tippera nil. (Cries of "ridiculous" from opposition benches.) Let me tell you again, Sir, that those persons who say that it is ridiculous are doing so without knowledge or without their books. Besides, there is no question of report here. It is a question of complaints made before police officers and in court; in court hundreds and thousands of cases might have been brought against Mussalmans but there has not been anything of the kind. If there were anything on merits then the aggrieved people would have all come to the court and there would be many such people. A large number of these reports were manufactured in these refugee camps, many of them in one handwriting by the same persons and the names underneath strung together. From the very first information report it was apparent that the people whose names were there were not at all present there. The report says—number of forcible marriages in Noakhali two, and in Tippera nil, and if anybody amongst the gentlemen sitting here can produce one more case I promise to look into it and to have it thoroughly investigated. Then, Sir, the number of rapes in Noakhali is nil, Tippera nil; there was no specific information about it. With regard to Mr. Simpson's report he has not reported as a fact that 300 women were found by him to have been raped. How can that be when they were mostly old men and women and children? Mr. Simpson said that Hindus came to him and complained and he put down the complaints. The complaint was general and vague, but not a single individual case was mentioned about rape. Then, Sir, these two judicial officers, Mr. Simpson and Mr. Gupta, went from place to place, from village to village, enquiring about any specific cases and I think the members opposite cannot challenge the report of these two officers sitting here and knowing nothing about it. Then, Sir, with regard to conversions I must say that there was a good deal of conversion. But no one there believes in this conversion and was serious about it and now Hindus there are going about in their Hindu costume and Hindu form and the feeling that they were converts has altogether vanished. Neither Hindus nor the Muslims in those areas think that these were genuine conversions. Now, Sir, if I compare this position with what took place in Bihar from where I have got reports from persons who have been to Bihar.....

Mr. LALIT CHANDRA DAS: On a point of order, Sir. Is he entitled to mention about Bihar when he himself was against it?

Mr. PRESIDENT: Mr. Suhrawardy, you had better avoid it.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I was requesting the members opposite to go to Bihar and.....(here the Hon'ble Chief Minister having reached time limit resumed his seat).

Mr. PRESIDENT: Order, order.....

Mr. NAGENDRA NATH MAHALANOBISH: Sir, may I reply?

Mr. PRESIDENT: No, you have no right of reply.

The question before the House is that this Council do adjourn its business to discuss a definite matter of urgent public importance, namely, the situation that has been arisen due to the terrible atrocities committed upon the Hindus in the district of Noakhali and Tippera in October and November last when large number of Hindus, men, women and children, were brutally killed—their properties looted, houses burnt, women abducted, raped and forcibly married and thousands of them forcibly converted to Islam by well-organised bands of Muslim hooligans under a premeditated plan and the failure of the Government to prevent or promptly check the same or to render timely assistance to the people affected and to make adequate provisions for the protection and rehabilitation of the refugees who were rendered homeless and penniless by these disturbances.

The motion was put and a division taken with the following result:—

AYES—15.

Mr. Lalit Chandra Das.
Mr. Hemendra Kumar Das.
Mr. Bankim Chandra Dutta.
Mr. Kamini Kumar Dutta.
Mr. Satish Chandra Jana.
Rai Bahadur Brojendra Mohan Maitra.
Mr. Haridas Majumdar.
Mr. Nagendra Nath Mahalanabish.

Mr. Bijoy Singh Nahar.
Rai Bahadur Jogendra Nath Ray.
Mr. Biren Roy.
Mr. Biswanath Roy.
Mr. Patiram Roy.
Mr. B. K. Roy Chowdhury.
Mr. Charu Chandra Saqyal.

NOES—23.

Mr. Sultanuddin Ahmed.
Rai Bahadur D. L. Barua.
Mr. Reajuddin Bhuiya.
Mr. Chowdhury Moazzem Hossen.
Mr. Hamidul Huq Chowdhury.
Khan Bahadur Abdul Latif Chowdhury.
Mr. Syed Fazle Rabbi Chowdhury.
Mr. Yusuf Ali Chowdhury.
Mr. D. J. Cohen, O.B.E.
Khan Bahadur Sk. Fazal Ellahi.
The Hon'ble Mr. Abdul Gofran.
Khan Bahadur A. M. Shahoodul Haque.

The Hon'ble Mr. Saiyed Moazzamuddin Hosain.
Mr. Lafafat Hossain.
Khan Sahib Mobarak Ali Khan.
Mr. Abdul Latif.
Mr. Tarak Nath Mukherjee.
Khan Bahadur Ghyasuddin Pathan.
Khan Bahadur Mukhlesur Rahman.
Mr. Abdur Rashid.
Mr. Amluyadhone Roy.
Mr. Md. Taufiq.
Haji Md. Yusuf.

The Ayes being 15 and the Noes 23 the motion was lost.

Mr. PRESIDENT: The House stands adjourned till 2-15 p.m. tomorrow.

Adjournment.

The Council then adjourned till 2-15 p.m. on Friday, the 7th February, 1947.

Members absent.

The following members were absent from the meeting held on the 6th February 1947 :—

- (1) Mr. Abdulla-al-Mahmud,
- (2) Mr. Nur Ahmed,
- (3) Khan Bahadur Syed Abdur Rashid Chowdhury,
- (4) The Hon'ble Mr. Abdul Gofran,
- (5) Sir Md. Azizul Haque, Khan Bahadur,
- (6) Mr. Mungturam Jaipuria,
- (7) Mr. Humayun Z. A. Kabir,
- (8) Alhaj Yar Ali Khan,
- (9) Mr. Syed Abdul Majid,
- (10) Mr. George Morgan, C.I.E.,
- (11) Mr. T. B. Nimmo,
- (12) Dr. Kumud Sankar Ray,
- (13) Mr. Satish Chandra Sen and
- (14) Dr. Kasiruddin Talukdar.

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1947—No. 3.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Friday, the 7th February, 1947, at 2-15 p.m. being the third day of the First Session of 1947, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

QUESTIONS AND ANSWERS

Mr. KAMINI KUMAR DUTTA: Sir, may I mention one thing. It seems that there will be a general strike on Monday next. There would be bus strike also and it will be very inconvenient for the members to attend the meeting—

Mr. PRESIDENT: Please mention it after the questions are over. We shall now take up questions.

The Hon'ble Mr. MOHAMMED ALI: Sir, the Hon'ble Minister for Civil Supplies may be late for a few minutes so questions Nos. 32 and 33 may be held over.

Mr. LALIT CHANDRA DAS: Sir, these questions have been held over since 1944.

Mr. PRESIDENT: These questions may be held over for a few minutes more.

Allowance to security prisoners.

34. Rai Bahadur BROJENDRA MOHAN MAITRA (on behalf of Mr. Humayun Kabir): (a) Will the Hon'ble Minister in charge of the Home Department be pleased to state the amount of allowance sanctioned for each of the following security prisoners, viz.—

- (i) Mr. Jogendra Chandra Dutta, in the Dacca Jail;
- (ii) Mr. Phanindra Bikas Das Gupta, detained in the Dacca Jail;
- (iii) Mr. Amalendu Bikas Das, detained in the Dacca Jail;
- (iv) Mr. Tarakeshwar Prasad Sinha, detained in the Dum Dum Jail;
- (v) Mr. Santosh Kumar Bhattacharyya, detained in the Faridpur Jail;
- (vi) Mr. Hariganga Basak, detained in the Dacca Jail;
- (vii) Dr. Suresh Chandra Dhar, detained in the Mymensingh Jail;
- (viii) Mr. Gouranga Chandra Das, detained in the Faridpur Jail;
- (ix) Mr. Bejoy Narayan Roy, detained in the Mymensingh Jail;
- (x) Swami Jnanananda, detained in the Buxa Special Jail; and
- (xi) Dwijendra Nath Sen Gupta, detained in the Alipore Central Jail?

(b) When were the allowances sanctioned in respect of each of these security prisoners?

Mr. ABDUR RASHID, Parliamentary Secretary (on behalf of the Minister in charge of the Home Department): (a) (i) and (b) Rs.10 per month with effect from the 12th April, 1942. Enhanced to Rs.15 per month with effect from the 1st April, 1943. Finally enhanced to Rs.30 per month with effect from the 1st July, 1944.

(ii) Rs.15 per month with effect from the 26th March, 1942. Enhanced to Rs.20 per month with effect from the 1st August, 1942. Further enhanced to Rs.50 per month with effect from the 1st April, 1943. Finally enhanced to Rs.70 per month with effect from the 1st June, 1945.

(iii) Rs.20 per month with effect from the 26th October, 1942. Enhanced to Rs.30 per month with effect from the 1st September, 1943.

(iv) Government did not receive any representation from the security prisoner regarding his family allowance and no allowance was granted.

(v) Rs.30 per month with effect from the 26th December, 1942. Enhanced to Rs.40 per month with effect from the 1st April, 1943. Finally enhanced to Rs.50 per month with effect from the 1st April, 1944.

(vi) Rs.20 per month with effect from the 28th November, 1942. Enhanced to Rs.30 per month with effect from the 1st April, 1943. Finally enhanced to Rs.40 per month with effect from the 1st April, 1945.

(vii) Rs.30 per month with effect from the 7th May, 1942. Enhanced to Rs.40 per month with effect from the 1st September, 1942. Further enhanced to Rs.60 per month with effect from the 1st April, 1943. Finally enhanced to Rs. 70 per month with effect from the 1st May, 1944.

(viii) Rs.15 per month with effect from the 28th November, 1942.

(ix) Rs.15 per month with effect from the 7th September, 1942. Enhanced to Rs.20 per month with effect from the 1st April, 1943. Finally enhanced to Rs.25 per month with effect from the 1st February, 1944.

(x) Rs.30 per month with effect from the 1st April, 1945.

(xi) Rs.10 per month with effect from the 16th March, 1943. Enhanced to Rs.40 per month with effect from the 1st April, 1943.

Mr. BIREN ROY: In respect to the answer given to item No. (vi) namely, "Rs.15 per month with effect from the 28th November, 1942", will the Parliamentary Secretary please state whether it is possible for a man to live on Rs.15 per month and whether the Government will consider reviewing this case?

Mr. ABDUR RASHID: Sir, may I point out that there are no more security prisoners in jail, all having been since released, and as such, Mr. Biren Roy's question does not arise.

Road from Satkania Munsiff's Court to Banskhalī.

35. Khan Bahadur A. M. SHAHOODUL HAQUE (on behalf of Mr. Alhaj Yar Ali Khan): (a) Will the Hon'ble Minister in charge of the Department of Health and Local Self-Government be pleased to state whether the Government propose to construct a motorable road from Satkania Munsiff's Court to Banskhalī which is within the jurisdiction of the said Munsiff and Satkania *khās mahal* to facilitate conveyance of the litigant public and touring officers at Chittagong?

(b) Are the Government aware of estimates made on many occasions previously by the District Engineer, District Board, for erection of Dalu Bridge for communication between Satkania and Banskhalī police-stations, Chittagong, and what was the estimated amount?

(c) When do the Government propose to take up the construction work of the said important bridge between the two police-stations?

MINISTER in charge of the DEPARTMENT of HEALTH and LOCAL SELF-GOVERNMENT (the Hon'ble Mr. Mohammed Ali): (a) The post-war road plan of the Chittagong district includes proposal for construction of a motorable road in the area mentioned.

(b) Yes, Rs.38,653.

(c) It depends upon the priority which may be allotted to this work. This has not been done till now.

Non-Government College at Jalpaiguri.

36. Mr. CHARU CHANDRA SANYAL: Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(a) if the Government are aware of the existence of a non-Government college, named A. C. College, in the town of Jalpaiguri;

(b) if the Government desire to make some grant to this college for purchasing scientific apparatus;

(c) if the Government have prepared a statement of the names of colleges and the amount of contribution proposed to be given to each out of the budget of Rs.2,84,000 if passed by the Legislature under the head "Furniture and equipment grants and other grants to the non-Government Arts Colleges"; and

(d) if so, if he will place a statement before this House?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. Saiyed Muazzamuddin Hosain): (a) Yes.

(b) In 1946-47 Government sanctioned the payment of a grant of Rs.750 for laboratories and Rs.750 for library to the college.

(c) and (d) The budget provision of Rs.2,84,000 includes Rs.2,10,000 for payment of dearness allowance to non-Government colleges and Rs.74,000 for furniture and equipment grants to such colleges.

The college is being paid the usual dearness allowance. A statement regarding distribution of furniture and equipment grants is laid on the Table.

Statement referred to in reply to question No. 36, showing the distribution of furniture and equipment grants to colleges for the year 1946-47 (amount Rs.74,000).

Serial No.	Name of College.	Amount
		Rs.
1.	A. M. College, Mymensingh	1,750
2.	Ashutosh College	2,750
3.	Bangabasi College	2,750
4.	Bankura College	1,500
5.	B. M. College, Barisal	2,000
6.	Burdwan Raj College	1,750
7.	Charmichael College, Rangpur	1,750
8.	City College	2,250
9.	Daulatpur College	2,000
10.	Feni College	1,000
11.	Edward College, Pabna	1,750
12.	Narasinha Dutta College	1,750
13.	Saadat College	1,250
14.	K. C. College, Hetampore	1,000
15.	K. N. College, Berhampore	1,500
16.	Midnapore College	1,750
17.	P. K. College, Contai	1,000
18.	P. C. College, Bagerhat	1,500
19.	Ripon College	2,500
20.	Scottish Church College	2,750
21.	Serampore College	1,000
22.	St. Joseph's College, Calcutta	500

Serial No.	Name of College.	Amount.
		Rs.
23.	St. Paul's College, Calcutta	1,750
24.	St. Xavier's College, Calcutta	2,500
25.	Uttarpara College	1,500
26.	Vidyasagar College	2,750
27.	Sir Asutosh College	1,750
28.	Bogra College	1,250
29.	Serajganj College	1,000
30.	Ramkrishna Mission Vidyamandir	1,500
31.	Jessore College	750
32.	Chakhar F. Huq College	1,750
33.	Ramdia Sree Krishna College	1,250
34.	Manindra Chandra College, Calcutta	1,000
35.	S. U. M. Institution	250
36.	A. C. College, Jalpaiguri	1,500
37.	Chaumuhani College	1,250
38.	Kishoreganj College	750
39.	Manickganj College	750
40.	Kalna College	500
41.	Charmichael Medical College	750
42.	Malda College	750
43.	Asansol College	1,000
44.	Haraganga College	1,500
45.	Victoria College, Comilla	1,750
46.	Victoria College, Narail	1,000
47.	St. Joseph's College, Darjeeling	750
48.	Rajendra College, Faridpur	1,000
49.	Ramananda College, Bishnupur	1,000
50.	Ananda Ram Jaipurra College, Calcutta	1,000
51.	Victoria Institution, Calcutta	1,500
52.	St. Helen's College, Kurseong	500
		<hr/> 74,000

Mr. LALIT CHANDRA DAS: Why is the grant for laboratory to the A. C. College, Jalpaiguri, so low—only Rs.750?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: Well, in your opinion it may be low but in other's opinion it may be reasonable or high. Neither is it possible to meet the full requirements of every college from the finances we have got at our disposal.

Mr. LALIT CHANDRA DAS: When you say that the requirements of the colleges cannot be met from your finances can you explain how you could allot Rs.10,00,000 for Muslim education?

Mr. PRESIDENT: I do not think that question really arises.

Mr. LALIT CHANDRA DAS: It arises in this way, Sir, because the Hon'ble Minister said that he could not meet the requirements of the colleges in respect of laboratories, libraries, etc., from the finances at his disposal and therefore I ask, Sir, how it could be possible for him to make an allotment of 10 lakhs of rupees for Muslim education?

Mr. PRESIDENT: That is an argument; it is not a question.

Mr. LALIT CHANDRA DAS: All right, Sir, I shall put it in the form of a question like this. In view of the fact that an allotment of 10 lakhs of rupees could be made in the budget for Muslim education, why could not the Hon'ble Minister consider the claims of so many colleges in respect of their requirements and how could he make such a low allotment of Rs.750 towards the laboratory for the A. C. College at Jalpaiguri?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: How do you say it is low? I have not got the demand made by this college before me, nor those made by other colleges, and I do not know if there was any specific demand at all from the college in question.

Mr. LALIT CHANDRA DAS: Then how could you at all make allotments if you did not know anything about the demands made?

Mr. NAGENDRA NATH MAHALANOBISH: Is the Hon'ble Minister aware that the A. C. College, Jalpaiguri, is one of the most infant institutions amongst the colleges in Bengal?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: That may be.

Mr. NAGENDRA NATH MAHALANOBISH: Is the Hon'ble Minister aware that it is extremely difficult for this infant institution to carry on without much more help than has already been granted to it?

The Hon'ble Mr. MUAZZAMUDDIN HOSAIN: No, Sir, I am not aware. There are very wealthy people in the district of Jalpaiguri, and I think that if they contribute and make donations to this institution generously, it could be run very efficiently.

Mr. NAGENDRA NATH MAHALANOBISH: Is he aware that Jalpaiguri people have granted handsome donations to this college and have established the college at great expense and that what they want is only a maintenance grant to carry on its ordinary activities, that is, a few thousands? Will the Hon'ble Minister please enquire of the institution as to what is its deficit?

The Hon'ble Mr. MUAZZAMUDDIN HOSAIN: No, Sir. I am not prepared to enquire into whether they have any deficit or its extent. They can apply for grants according to the rules, and it will then be certainly taken into consideration.

Excavation of the Damodar Canal.

37. Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister in charge of the Department of Irrigation and Waterways be pleased to state—

- (a) if his attention has been drawn to a leading article in a *Perojpur* weekly, dated 14th April, 1946, regarding nature of the work of excavation of the Damodar Canal off *Perojpur* in the district of *Bakarganj*;
- (b) if so, what steps the Government have taken to stop the work at a time of the season when such work is next to impossible and further to make good the damage done in connection with the said excavation work;
- (c) the reasons for not undertaking the excavation works of the Feeder *khals* along with the excavation work of the Damodar;
- (d) the names of the contractors employed in this connection;
- (e) in view of the report referred to in part (a) standing uncontradicted if the Government proposed to institute legal proceedings against the contractors concerned; and
- (f) if not, why not?

MINISTER in charge of the DEPARTMENT of IRRIGATION and WATERWAYS (the Hon'ble Mr. Tarak Nath Mukherjea): (a) and (b) Yes. The work was taken up according to specifications and was suspended on the 15th June, 1946, on account of rains. No damage was caused.

(c) Due to shortness of time before the start of the rains the work of excavation of the Feeder *khals* could not be taken up along with the work of the main Damodar *khal*.

(d) The names are—

- (1) Maulvi Md. Serajul Huq.
- (2) Maulvi Md. Ismail.
- (3) Maulvi Md. Hashem Khan.
- (4) Maulvi Nuruddin Ahmed.
- (5) Babu M. L. Sarkar.
- (6) Babu Khitish Chandra Ghosh.
- (7) Babu Jagadish Chandra Pal.
- (8) Babu Rohini Kanta Biswas.

(e) and (f) Do not arise.

Mr. HARIDAS MAZUMDAR: Arising out of (c) will the Hon'ble Minister please let us know if before this work is taken up again the feeder khals will also be taken up along with it?

The Hon'ble Mr. TARAK NATH MUKHERJEA: Sir, I could not follow the question.

Mr. PRESIDENT: Will Mr. Mazumdar please repeat his question?

Mr. HARIDAS MAZUMDAR: My question is this: Regarding the excavation of the feeder khals the work has been stopped and could not be taken up along with the work of the main Damodar Khal. Will the Hon'ble Minister please state whether the excavation of these feeder khals will be taken up along with the re-excavation of the main canal.

The Hon'ble Mr. TARAK NATH MUKHERJEA: Naturally, in due course it will be taken up.

Permanently-settled estates in Bengal.

38. Khan Bahadur A. M. SHAHOODUL HAQUE (on behalf of Mr. Alhaj Yar Ali Khan): (a) Will the Hon'ble Minister in charge of the Department of Land and Land Revenue be pleased to state—

- (i) the number of permanently-settled estates in different districts of Bengal; and
- (ii) the dates of their creation in different districts with the terms thereof?

(b) Is it not a fact that the number of permanently-settled estates in Chittagong is comparatively great?

(c) When were the following permanently-settled estates of Chittagong originally created and were they created in the time of East India Company or in the time of Queen Victoria:—

- (i) Taraf Aliar Khan, bearing touzi No. 51 of Chittagong Collectorate;
- (ii) Taraf Bhikan, bearing touzi No. 587 of Chittagong Collectorate;
- (iii) Taraf Jabardasta Khan, bearing touzi No. 1281 of Chittagong Collectorate; and
- (iv) Taraf Ramchand, bearing touzi No. 2463 of Chittagong Collectorate?

Mr. ABDUR RASHID, Parliamentary Secretary (on behalf of the Minister in charge of the Department of Land and Land Revenue): (a)(i) A statement is laid on the Table.

(ii) The information is not readily available and its collection would entail so much time, labour and expense that Government regrets that it is not prepared to undertake the task.

(b) Yes.

(c) In 1793 at the time of the East India Company.

Statement referred to in reply to question No. 38.

District.	Number of permanently-settled estates.
Burdwan Division—	
Burdwan	... 4,845
Birbhum	... 1,135
Bankura	... 1,529
Midnapore	... 2,727
Hooghly	... 2,861
Howrah	... 906
Presidency Division—	
24-Parganas	... 1,671
Nadia	... 2,172
Murshidabad	... 2,219
Jessore	... 2,487
Khulna	... 928
Dacca Division—	
Dacca	... 11,202
Mymensingh	... 10,125
Faridpur	... 5,913
Bakarganj	... 3,228
Chittagong Division—	
Chittagong	... 28,156
Tippera	... 3,540
Noakhali	... 1,547
Rajshahi Division—	
Rajshahi	... 1,860
Dinajpur	... 1,097
Jalpaiguri	... 77
Rangpur	... 683
Bogra	... 665
Pabna	... 1,902
Malda	... 760
Darjeeling	... 4
Total	... 94,239

Non-abolition of zemindary system in Chittagong.

39. Khan Bahadur A. M. SHAHOODUL HAQUE (on behalf of Mr. Alhaj Yar Ali Khan): Will the Hon'ble Minister in charge of the Department of Land and Land Revenue be pleased to state—

- (a) what effect has been given to the resolution passed on the 1st June, 1945, by the Chittagong Landlords' Association and sent on the 5th July, 1945, to the Chief Secretary, Government of Bengal, by the Secretary of the said Association for non-abolition of the zemindary system in Chittagong on the ground that no profit has been allowed to them as has been given to those of other districts of Bengal;
- (b) what were the Government revenue, cess and education cesses payable in Taraf Aliar Khan, bearing touzi No. 51 of the Chittagong Collectorate;
- (c) when and for what amount the Government purchased the said taraf; and
- (d) whether the Government are aware that by the abolition of zemindary system of Chittagong the Government will be loser?

Mr. ABDUR RASHID, Parliamentary Secretary (on behalf of the Minister in charge of the Department of Land and Land Revenue): (a)

The resolution of the Association is not acceptable to Government.

	Rs.	a.	p.
(b) Land Revenue	...	1,600	9 0
Cess	...	438	2 6
Education cess	...	572	11 6

(c) The taraf was sold on the 15th March, 1943, for the arrear revenue of Rs.1,411-9-9 and was purchased by Government for Re.1.

(d) No.

Representation of the Bengal Legislative Council to the Public Accounts Committee.

40. Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister in charge of the Finance Department be pleased to state—

- (a) whether he declared on the floor of the Council that the Government had decided to give two seats to the Council on the Public Accounts Committee;
- (b) whether he further stated that the mode in which those two members would be taken in the said Joint Committee of both the Houses would be determined by the Hon'ble the Speaker and the Hon'ble the President;
- (c) whether he is aware if they met and decided the method of incorporating those two members; and
- (d) when will the Public Accounts Committee meet with the two members of the Council and when will the Government's decision be given effect to?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. Mohammed Ali): (a) and (b) Yes.

(c) In the meeting which was held for this purpose certain legal difficulties in the way of amendment of the rules were considered and it was decided to refer the matter to the Advocate-General for his opinion. Necessary action has accordingly been taken.

(d) As already explained, final action will have to await receipt of Advocate-General's opinion.

Mr. LALIT CHANDRA DAS: When was the opinion of the Advocate-General sought?

The Hon'ble Mr. MOHAMMED ALI: I ask for notice.

Mr. NAGENDRA NATH MAHALANOBISH: Will the Hon'ble Minister please state as to what was really the legal difficulty involved in this matter?

The Hon'ble Mr. MOHAMMED ALI: The difficulty is with regard to the implication of the tentative decision which was taken by Government and which was announced to the Council. Since then the Legislative Department felt that there are a lot of difficulties in having a joint committee because the Government of India Act, 1935, did not provide for placing finance matters or matters dealing with accounts before the Upper House. They also felt that there was no provision in the Procedure Rules for anything of the kind. No joint committee was ever contemplated. So these are the difficulties pointed out by the Legislative Department. There was no provision in the Rules of Procedure for having any kind of Joint Committee. This fact was pointed out by the Legislative Department previously when Government had obtained the opinion of, I think, either the

Legal Remembrancer or some other legal officer of the Government that it was possible to have a Joint Committee because there is nothing in the Government of India Act and the rules framed thereunder to debar the formation of such a Joint Committee. But the Legislative Department held a different view and therefore we have had to take legal opinion after showing the precis of the memorandum to the Legislative Department which was forwarded by the joint conference of the Hon'ble President, the Hon'ble Speaker, the Finance Minister and presided over by the Hon'ble President. It was decided at the conference that a precis should be submitted to the Hon'ble President of the Council and the Hon'ble Speaker of the Assembly and that is why there is some delay. We had to refer it to the Hon'ble President who sent it back with certain observations and then it had to go to the Legislative Assembly and that is why there has been some delay.....

Mr. HARIDAS MAZUMDAR: Will the Hon'ble President throw some light on the point as his name has been dragged in the matter?

Mr. PRESIDENT: What the Hon'ble Finance Minister has said is substantially correct. We met at a joint meeting of the Hon'ble Speaker, myself and the Hon'ble Finance Minister and we were informed there that the Legislative Department pointed out certain legal difficulties in forming a joint committee. It was then decided at the meeting that the matter should be referred to the Advocate-General with regard to that particular point.....

Mr. HARIDAS MAZUMDAR: When, Sir?

Mr. PRESIDENT: Some time ago, I do not remember, I think in January.....

Mr. HARIDAS MAZUMDAR: This year?

Mr. PRESIDENT: Yes.

Mr. HAMIDUL HUQ CHOWDHURY: Why was it found necessary to refer the matter to Advocate-General? Was it necessary because of its validity when it comes from the Advocate-General?

Mr. PRESIDENT: The point is this that the Legislative Department pointed out that the Government of India Act did not contemplate formation of a Joint Committee of the Public Accounts of both Houses—it is *ultra vires* of the Government of India Act. That was the contention of the Legislative Department and on that point reference was made to the Advocate-General.

Mr. HAMIDUL HUQ CHOWDHURY: Are not the members of this House competent to do so.....

Mr. ABDULLA-AL-MAHMOOD: What was the specific legal objection in the matter?

Mr. PRESIDENT: May I make a suggestion? If you come over to my room I shall get hold of the papers and discuss the matter with you and explain the whole position.

Mr. LALIT CHANDRA DAS: May I know from the Hon'ble Minister if he proposes to request the Advocate-General to expedite the reply?

The Hon'ble Mr. MOHAMMED ALI: I shall certainly try to expedite the matter. But I may say that no harm has been done by the delay; because the Accounts for the previous year have already been passed by His Excellency the Governor during section 93 regime and there has not been any Public Accounts Committee of the Legislature.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister implement his promise regarding the allotment of two seats to the members of the Council on the Public Accounts Committee?

Mr. PRESIDENT: May I just request you, Mr. Das, to wait patiently and let us meet and discuss this matter in my room. I think that will be much better and we would be able to discuss the whole matter there.

Mr. HARIDAS MAZUMDAR: If this question is not settled before the Budget is placed, we shall not take any part in the Budget discussion.

Mr. BIREN ROY: The Hon'ble Minister cannot say even now where the matter stands at present.

Mr. PRESIDENT: I can assure you that the Hon'ble Minister is very helpful in the matter.

Mr. HARIDAS MAZUMDAR: Sir, the prestige of the whole House is involved in this question. It is not a question of any party here. The matter must be settled before the Budget is presented to this House.

Mr. PRESIDENT: I would request you to come to my room to discuss this matter.

Now, as regards question No. 41, the Hon'ble Minister-in-charge wanted to read the answer himself. Unfortunately, he is absent. So let the question be held over. We may take up question No. 32.

Sale of stock of pulses by Government.

32. Mr. LALIT CHANDRA DAS: (a) Will the Hon'ble Minister in charge of the Department of Civil Supplies be pleased to state whether in the month of March, 1944, tenders were invited by advertisements in the local newspapers for the sale of pulses (*dal*) by the Government?

(b) Why were the pulses sold and what was the total quantity offered for sale?

(c) At what prices were these pulses purchased and at what prices were these disposed of?

(d) Did the Government incur any loss by such transactions, and if so, what was the amount of the loss?

(e) Is it a fact that the pulses sold to the Calcutta traders were of a very bad quality?

MINISTER in charge of the DEPARTMENT of CIVIL SUPPLIES (the hon'ble Mr. Abdul Gofran): (a) Yes.

(b) The pulses were offered for sale, because of—

(i) poor offtake; and

(ii) the apprehension, that unless quickly disposed of, these might be a total loss to Government.

The quantity offered for sale was 479,159 maunds.

(c) The average rate of procurement, taking all varieties into consideration, was Rs.14-8-3 per maund, and the average rate of sale was Rs.9-10-2 per maund.

(d) Government incurred a loss of Rs.23,38,395-11-11.

(e) Some portion of the grain had slightly deteriorated, but it would not be correct to say that the pulses sold to the Calcutta traders were of very bad quality.

Mr. LALIT CHANDRA DAS: In view of this terrible loss, did the hon'ble Minister make any enquiry into the conduct of the officers who dealt with these pulses? Has any of these officers been brought to justice, dismissed or suspended?

The Hon'ble Mr. ABDUL COFRAN: I have already stated in reply to part (e) that because the quality was somewhat bad therefore it had to be sold at a reduced rate. So, it was not the fault of any officer and hence no action has been taken.

Mr. BIREN ROY: Government say that some portion of the grain had slightly deteriorated. So, why the entire quantity was sold at a reduced price?

The Hon'ble Mr. ABDUL COFRAN: It was unfit for consumption and therefore it was not thought necessary to keep any quantity left.

Mr. HAMIDUL HUQ CHOWDHURY: Obviously this happened at the time of the last Ministry. May I ask the Hon'ble Minister to find out from his Department as to the proportion of the grain that was slightly deteriorated. He said some portion had slightly deteriorated. In view of this answer what was the justification of putting the entire quantity in the market and thus incur an average loss of Rs.5-2 per maund making a total loss of Rs.23,38,395-11-11?

The Hon'ble Mr. ABDUL COFRAN: I have already given my answer to that and it is in answer (b)(i) and (ii) as follows "because of poor off-take and the apprehension that unless quickly disposed of these might be a total loss to Government". Moreover this was an occurrence of 1944 and it is now useless, I think, to pursue this matter because it will be impossible to find out what portion of the stock had actually deteriorated.

Mr. HAMIDUL HUQ CHOWDHURY: The question is that even with the establishment of the Civil Supplies Department it could bring about the possibility of such sales at the loss of so much money to the Government of Bengal. Therefore an enquiry into the conduct of the officials of the department is essential because after all the Government had a Rationing Department running simultaneously and these could have been given to the public through this rationing department.

The Hon'ble Mr. ABDUL COFRAN: I think no reply is necessary.

Mr. HAMIDUL HUQ CHOWDHURY: We want information whether the Minister will enquire into this matter more deeply to find out what was the exact reason why this entire quantity of *dal* was thrown into the market for sale enabling the dealers to purchase them at a very low price and to sell the same at their discretion at any price they liked.

Mr. HARIDAS MAZUMDAR: Was there any other consideration?

The Hon'ble Mr. ABDUL COFRAN: No other consideration. I have already stated that the off-take was poor. However, if the members like that I should have an enquiry made I shall do so.

Mr. HARIDAS MAZUMDAR: The Hon'ble Minister stated that this stuff was not fit for human consumption, and if it was so.....

The Hon'ble Mr. ABDUL COFRAN: I did not say that. Some portion had slightly deteriorated, that is what I said.

Mr. HARIDAS MAZUMDAR: Is it a fact that good quality *dal* has been sold at a reduced rate and if so, why?

The Hon'ble Mr. ABDUL COFRAN: Well, because there was no off-take.

Mr. HARIDAS MAZUMDAR: What do you mean by off-take? Will you please explain it?

The Hon'ble Mr. ABDUL COFRAN: There was no demand in the market.

Mr. HARIDAS MAZUMDAR: We were not getting *dal* and you say there was no demand in the market.

Mr. PRESIDENT: Mr. Mazumdar, you cannot go on arguing all the time.

Mr. HARIDAS MAZUMDAR: When was the pulse sold?

The Hon'ble Mr. ABDUL COFRAN: I have not got the information just now in my hand and would like to have notice for such information.

Mr. LALIT CHANDRA DAS: Will you enquire and let us know when was it sold?

The Hon'ble Mr. ABDUL COFRAN: Yes, if you want to have it. I shall make an enquiry and give you the information.

Mr. LALIT CHANDRA DAS: In reply to the question of Mr. Hamidul Huq Chowdhury the Hon'ble Minister said that he would make an enquiry if the members so desired. We desire it and will you please make the enquiry?

Mr. HAMIDUL HUQ CHOWDHURY: Is it not due to the fact that unduly high price was paid at the source that this huge loss has been incurred?

Mr. PRESIDENT: You are suggesting an answer; that is not a question.

Mr. HAMIDUL HUQ CHOWDHURY: Does the Hon'ble Minister know that sometimes at the instance of the departmental officers much higher price is paid than the material deserved to be paid.

The Hon'ble Mr. ABDUL COFRAN: No reply is necessary. Of course I shall make an enquiry and give the information to the honourable members.

Mr. HARIDAS MAZUMDAR: The Hon'ble Minister stated that a portion of the stuff which was not fit for human consumption was sold. For what purpose and to whom was this portion of the stuff sold?

The Hon'ble Mr. ABDUL COFRAN: I did not say that they were not fit for human consumption. What I said was this that "some portion of the grain had slightly deteriorated and as they were not unfit for human consumption then they were sold in the open market. That was the reply.

Mr. LALIT CHANDRA DAS: Will you please look at the question and realise that this is a question put in 1944 and is being answered today in the year 1947? Is it to avoid the public scandal of incurring a loss of more than 23 lakhs of rupees for nothing that the answer has been delayed so long?

The Hon'ble Mr. ABDUL COFRAN: I cannot give any reason for that, but I shall try to be more quick in giving replies to questions in future.

Mr. HAMIDUL HUQ CHOWDHURY: Will the Hon'ble Minister please ask his office as to the reason for this delay in sending this reply to the Minister?

Mr. ABDULLA-AL-MAHMOOD: Will the Hon'ble Minister please state whether the highest tender was accepted?

The Hon'ble Mr. ABDUL COFRAN: I want notice.

Mr. ABDULLA-AL-MAHMOOD: Will the Hon'ble Minister please state how many tenders were received by the department?

The Hon'ble Mr. ABDUL COFRAN: I want notice.

Mr. ABDULLAH-AL-MAHMUD: Will the Hon'ble Minsiter please state whether he is willing to place on the floor of the House a statement showing the rate of each tenderer?

The Hon'ble Mr. ABDUL COFRAN: Certainly.

Mr. HAMIDUL HUQ CHOWDHURY: Will the Hon'ble Minister please place all the papers before the House in connection with this transaction from the very beginning, from the purchase right down to the sale to traders through whom it was distributed to the public, and the manner in which it passed through to the traders from the department?

The Hon'ble Mr. ABDUL COFRAN: They are available now.

Mr. HAMIDUL HUQ CHOWDHURY: Will the Hon'ble Minister please make a statement in regard to this important matter?

Mr. BIJOY SINGH NAHAR: Sir, the Hon'ble Minister has promised to make various statements: In that view the question may stand over.

Mr. PRESIDENT: When does the Hon'ble Minister propose to make a statement?

The Hon'ble Mr. ABDUL COFRAN: It will require sometime certainly.

Mr. PRESIDENT: But could you not give me some idea?

The Hon'ble Mr. ABDUL COFRAN: About the end of the session.

Mr. HARIDAS MAZUMDAR: But before the end of the session he may go out!

The Hon'ble Mr. ABDUL COFRAN: Sir, these things happened in 1944: it will certainly require some time before I can make a statement.

Mr. NAGENDRA NATH MAHALANOBISH: Fifteen days is quite sufficient for the purpose.

Mr. BIJOY SINGH NAHAR:: Sir, how can he bring forth any statement if this question does not stand over?

Mr. PRESIDENT: Well, the Hon'ble Minister can always make a statement, irrespective of any question.

Quantity of old atta and flour lying with Government stockists in Calcutta.

33. Mr. LALIT CHANDRA DAS: (a) Will the Hon'ble Minister in charge of the Department of Civil Supplies be pleased to state whether it is a fact that huge quantities of old *atta* and flour weighing about 150,000 maunds are lying with the Government stockists in Calcutta and that they have become unfit for human consumption?

(b) Where and how long were those bags of *atta* and flour stored and how could they become unfit for human consumption?

(c) At what prices were these bags of *atta* and flour purchased and at what prices are they going to be sold? What guarantee is there that the unscrupulous traders would not try to undermine the health of the community by selling them to the consumers after mixing them up with good quality *atta* and flour?

(d) What will be the Government loss by this transaction?

The Hon'ble Mr. ABDUL COFRAN: (a) During 1943 and in 1944, 16,110 maunds of *atta* and 75,131 maunds of flour deteriorated in Calcutta and became unfit for human consumption.

(b) Due to emergent conditions prevalent in 1943 and early in 1944 when severe restrictions were imposed on transport due to urgent military requirements, the considerable time lag between the date of despatch and the date of arrival provoked deterioration during transit. Goods also arrived at a time when demand was no longer active as conditions had improved in 1944. It was also not possible for the Government to make immediate adequate arrangements for storage. In the circumstances it was inevitable that substantial quantities of wheat products which are shortlived and susceptible to deterioration, particularly in a humid climate, should have gone bad.

(c) The average purchase price of *atta* and flour were Rs.11-8 per maund of *atta* and Rs.14 per maund of flour. The condemned stocks were sold to recognised starch manufacturers; to preclude the possibility of the goods being disposed of for human consumption directly or as an adulterant, arrangements were made for the posting of inspectors to keep a watch on the progress of manufacture.

(d) The loss to the Government is estimated to be about Rs.10,00,000.

Mr. HAMIDUL HUQ CHOWDHURY: Will the Hon'ble Minister be pleased to state in view of the quality of *atta* that we are getting from the ration shops if it is not just possible that a large quantity of this condemned *atta* found its place into these ration shops from where we are getting our supplies?

The Hon'ble Mr. ABDUL COFRAN: No, no.

Mr. PRESIDENT: Questions over.

Adjournment motion.

Mr. LALIT CHANDRA DAS: Sir, I have an adjournment motion. May I read it.....

Mr. PRESIDENT: Order, order. Notice of an adjournment motion was given by Mr. Lalit Chandra Das to which I have given my consent. It runs as follows:—

That this Council do adjourn its business to discuss a definite matter of urgent public importance, and of recent occurrence, namely, the serious situation arising out of the unprovoked and unwarranted firing and lathi-charge by the police on the peaceful and unarmed students demonstration on "Viet-Nam" Day on the 21st January last, in front of the Senate House, Calcutta University (College Square, Calcutta) resulting in one student killed and 200 others injured of whom 21 received bullet wounds, including some lady students also.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, I want to raise a question and it is this—does it fulfil the conditions of adjournment of the House, namely, you should decide whether it is urgent. Simply because certain occurrence has taken place it cannot be the subject of an adjournment motion. Is there any urgency about it.....

The Hon'ble Mr. MOHAMMED ALI: I may add, Sir, that the question for consideration is whether it is a matter of urgent public importance and of recent occurrence.

Mr. PRESIDENT: Yes, I have considered these points. It is of recent occurrence and "urgency" implies that it must be of recent occurrence.

The Hon'ble Mr. H. S. SUHRAWARDY: May I add, Sir, that the result of the occurrence must continue and it must have repercussion.

Mr. PRESIDENT: I am afraid, not. It was a serious occurrence, it did occur in the recent past, and one person was killed and several persons

injured. So I think it is a matter of urgent public importance. I have considered all these points and following the precedents for allowing adjournment motions in this House I have allowed this adjournment motion.

Mr. HAMIDUL HUQ CHOWDHURY: Have you seen, Sir, the recent ruling of the Central Assembly.....

Mr. PRESIDENT: I do not think you should discuss this matter any further and try to go into the merits and demerits or refer to any observations or rulings of the Hon'ble President of the Central Assembly. In coming to a decision regarding admissibility of adjournment motions I always take into consideration the rulings of the Presiding officers of the Central Legislature. Now, is there any objection?

The Hon'ble Mr. MOHAMMED ALI: Sir, I object.

Mr. PRESIDENT: I would now request honourable members in support of the motion to rise in their places. As 13 honourable members have supported the motion, the mover has the leave of the House to move his motion. I fix Tuesday, the 11th February, at 2-15 p.m. for discussion of this adjournment motion.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, may I mention one thing in this connection. Government is most anxious to transact some important business in this House and we are placing before this House quite a large number of Bills which the House will have to consider but if adjournment motions such as these are moved from time to time, I regret to have to say that very important Government work is being hampered.

Mr. LALIT CHANDRA DAS: If the Government had managed their work properly there would not have been any necessity for bringing in these adjournment motions.

Mr. PRESIDENT: I would request both sides to reserve their observations till the motion is before the House.

Address Motions.

Mr. NUR AHMED: Sir, when the House adjourned on the last occasion I was giving in brief the past history of the development of the ship building industry in India, particularly in Bengal. I cited some instances from the foreign travellers who visited Bengal in the 16th century. I showed at that time that many ships were built in Bengal. Sir, one of the famous Muslim Admiral Khairuddin Barbarosa said to Sultan Soleiman, the Magnificent that "He who rules the sea will shortly rule on the land also". The history of no country illustrates this principle better than that of India. As I said on that occasion that Indian shipping disappeared from the high seas in the 19th century. From 1840 it was monopolised by the foreign shipping. Admiral Fitz Herbert organised Indian Royal Navy on a large scale. With regard to the expansion of ships he produced a constructive programme by means of which ship building was going on in India. Ships were built in India during the last war. R.I.N. will consist of 250 ships. For R.I.N. a great national mercantile marine is necessary. The Indians demanded a mercantile marine of their own. This attempt of Indians to create a national mercantile marine was looked upon by the Government at first as a wastage of effort when the British Companies were there to perform the services more efficiently and perhaps at less cost. That is why the reply came from the then Government of India in 1941 that there was no necessity for the development of Indian shipping industry. The foreign interests in India looked upon it as an outstanding example of anti-foreign feeling, as manifestation of racial hostility. India has a coast-line of about 4,500 miles with 70 lakhs tons of coastal trade and at pre-war value—the value of the overseas import and export trade of India came up to about 475 crores a year. On the present value it would be more than double or treble of that figure. Moreover India is surrounded on three

rides by seas. It is both for purposes of internal and external trade and defence, in other words, from the economic point of view and from the military point of view also India needs a strong navy. Thus India is suffering economically every year on account of the absence of any mercantile marine. According to Professor Pigou "the fear of war was a potent factor in compelling Government to support the ship-building industry in England." But unfortunately in India neither world war No. I nor the last world war No. II so far seems to have had any such effect on the Government of India. The Commerce Secretary definitely stated in 1941 that the Government had no intention to encourage ship-building industry as a part of the war effort. Explaining the position the Commerce Member pointed out that the emphasis was on the words "as part of the war effort" for the ships built in India would not be ready before another 3 or 4 years and war needs cannot wait for such a long time. Events have proved the invalidity of the Government position. But even before the war the Indian public insisted in demanding the development of Indian mercantile marine and it was supported by the recommendations of the Mercantile Marine Committee. Sir, India needs a very powerful and efficient mercantile marine for defence also, because the Indian navy cannot expect to defend India successfully without the help of a mercantile marine. Speaking of Bengal I may say, Sir, Bengal was all along famous for its ship-building industry. Previously Bengal had many harbours and they were full of ships and it was only during the 19th century that Bengal's ship-building industry disappeared. Sir, it is to the credit of the Scindia Steam Navigation Company that they wanted to establish a ship-building yard in Calcutta but unfortunately there was some difference of opinion between the Port Commissioners and the Company and the venue of their project had to be shifted to Vizagapatam in Madras. During the war, 4,000 ships were repaired in India and many small ships just like motor launches, mine-sweepers, etc., were built, and about 30 thousands of people were engaged in the ship building industry in Vizagapatam. Coming from Chittagong, Sir, I may say that there was a successful ship-building industry established in Chittagong and in my boyhood I saw many ships being built and even during the great war No. I that industry was revived for some time and to a great extent. Sir, India with its large seacoast should give facilities for ship-building, but there was want of encouragement to this industry. Fortunately, the present Government of India are trying their utmost to establish a ship-building industry in order to create an Indian mercantile marine, and a sub-committee has already been appointed to consider this problem. I hope that at the time when the Committee will submit its report they will consider the case of Bengal. Bengal with the largest population and largest seacoast should be given every facility, encouragement and help in developing her ship-building industry. Unless the Government of India give liberal subsidy to this industry it cannot be developed very speedily. Sir, take the case of Australia; what was done in Australia during the last war can also be expected to be done in Bengal if proper equipment and encouragement is forthcoming. We too have got here sailors who man the ships and face the high seas at all hours of danger and therefore they should be given all encouragement and scope. But unfortunately no school has been established in Bengal for their training. I therefore hope that the Government of Bengal should take up this matter most seriously and ask the Government of India to give all facilities to Bengal to revive and develop its lost ship-building industry. With these words I commend my motion to the acceptance of the House.

Mr. PRESIDENT: Motion moved that an address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of the Bengal Legislative Council requesting His Excellency to make a strong representation to the Government of India to give every encouragement, assistance and help to the development of Indian ship-building industry in Bengal, principally under Indian capital, control and management.

The Hon'ble Mr. SHAMSUDDIN AHMED: Mr. President, Sir, my friend, Mr. Nur Ahmed, has moved motion to the effect "that an Address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of the Bengal Legislative Council requesting His Excellency to make a strong representation to the Government of India to give every encouragement, assistance and help to the development of Indian ship-building industry in Bengal, principally under Indian capital, control and management". Sir, on behalf of the Government while supporting whole-heartedly the motion that has been moved by my friend I want to make one or two observations. My friend has stated his case very ably and I can tell the House that we hope that in the not very distant future India will have her own mercantile marine, her own ship yards and her own coast guards against enemy attacks. This question is under the consideration of the Government of India at the present moment. The Government of Bengal cannot do anything in this respect except forwarding this proposal to the Government of India. I can say that I had occasion to visit Chittagong and when I looked from the shore of the Bay of Bengal so many ships coming it reminded me that it is my country and there is nothing to guard the sea frontiers. The Port Commissioners gave an address to me and in reply I gave an indication that we will try to establish a nautical school in Chittagong so that Bengal would get trained and educated men fit to be a proper sailor and captain. My friend Mr. Nur Ahmed also suggested that one school should be established here. As at present situated Bengal cannot do anything in this respect. Even if the Cabinet Mission's proposals are accepted we have nothing to do with Foreign Relations, Communications and Defence: They come under the Central Government. When they come within our sphere then it will be time for the Bengal Government to take them up. There was a time when we used to build the best of ships for the whole world. I read a report long before wherein it was stated that the wooden ships used to be built in Karachi and Surat—they were of the best types as there was no steam engine at that time. Let us hope that in not very distant future India will build ships of the newest type with up to date propeller which will prove to be the best ships in the world. Sir, beyond this I do not think I need say more. I wish good luck to Mr. Nur Ahmed. We will forward the proposal to the Government of India.

Mr. DEPUTY PRESIDENT: The question before the House is that an Address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of the Bengal Legislative Council requesting His Excellency to make a strong representation to the Government of India to give every encouragement, assistance and help to the development of Indian ship-building industry in Bengal, principally under Indian capital, control and management.

The motion was put and agreed to.

Mr. NUR AHMED: Sir, I beg to move that an Address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of the Bengal Legislative Council requesting His Excellency to make a representation to the Government of India to establish a Military College in Bengal for the benefit of the Bengali people.

Sir, this motion is a very important one from military point of view and from other points of view also. Sir, I think the necessity of a military college in Bengal is realised by all right thinking people of Bengal. Bengal, Sir, has fallen on evil days. Bengal was known for her bravery, Bengal supplied her battalion to conquer Malacca and the other islands. There were Bengali regiments commanded by Bengalees. Then came the Sepoy Mutiny of 1857 and Bengal's battalion was disbanded. Because it was thought that the Bengalees were very intelligent and as such they should be debarred from the military. Bengalees were shamefully styled as non-martial race. Afterwards Bengal lost gradually her bravery and spirit of enterprise. This ban was lifted at the time of the Great War No. 2. At

the time of the Last Great War No. 1 only 7,700 combatants and 53,000 non-combatants were recruited. In this war 155,000 were recruited from Bengal as combatant and non-combatants and moreover 150,000 were recruited as sailors for mercantile marine. Bengal's young men proved to be very skilful airmen. At this psychological moment when the Premier of the Punjab went to Delhi to consult about the selection of a site of a military college in the Punjab, Bengal has not been consulted. The question of the nationalisation of the Indian Army has been finally settled and the cadet corps organisation sub-committee has been touring the provinces to gather opinion. While arrangements are being made for giving military training to college students and also in some other schools it is high time that Bengal should approach the Government of India for recognising its rightful and just claim for a military college in this province. Sir, for Bengal it is doubly necessary because Bengal's claim is not recognised by other provinces and the Military Academy at Dehra Dun and at Poona do not at all consider the applications going from Bengal for admission very favourable. Sir, Bengal having the largest population it is imperative that she should have a military college of her own. I do not like to take the time of this House any longer at this stage though the resolution is a very important one. I would only ask the Government of India to consider the claim of Bengal along with the claims of the Punjab and other Provinces. I appeal to the Government of Bengal to take up this question very seriously and fight out for a college in Bengal and thus give an opportunity to the Bengalees to show their merit and to remove the stigma attached to the fair name of Bengal that Bengal is not enterprising, the Bengalees are idle people, they are quill drivers, they belong to the class of the clerks. Sir, with this appeal I conclude and I hope that all the members will accord their unanimous approval to this motion.

Mr. DEPUTY PRESIDENT: Motion moved that an Address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of the Bengal Legislative Council requesting His Excellency to make a representation to the Government of India to establish a Military College in Bengal for the benefit of the Bengalee people.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, it appears in the fitness of things that a resolution of this type should have been moved by a representative from Chittagong because if there is one place in Bengal in which a college of this type can be established it can be in a place where facilities for military operations and for naval operations as well as for aerial operations exist. I understand, Sir, that, after considerable research and cogitation, the Government of India have hit upon Poona for the establishment of a central Military College. It is proposed to put through a scheme of National Cadet Corps in all the Provinces and for that purpose not long ago a committee met me here in Calcutta and I have assured them that my Government will give all possible facilities for the establishment of such a Corps. But I want things to proceed much further. In the not distant past Bengal armies have found their way to the Punjab. We have been purposely emasculated and we have been damned with the theory of not having any military tradition or that we are a non-martial race. I deny it, Sir. We have a large number of strong, healthy people in our province many of us know to our joy on the one hand and sorrow on the other, unable to find any avenue for their energy and for their health they become addicts, but the material is there and can be very well utilised. I am certain that if we start giving a military leaning to our youths from their school-age and give them a bias towards military training we shall be able to produce any number of regiments. It is a shame to Bengal that while Bihar has a regiment of its own, while Assam too has a regiment of its own, Bengal has not yet been permitted to have a regiment of its own. The honourable member has referred to the mental and intellectual powers of the Bengalees and how they have been prevented from exhibiting them. I

am afraid, Sir, that in military circles these qualities are considered a drawback. It would appear that a soldier is not expected to be intelligent or to exercise any considerable mental and intellectual powers and one of the deficiencies of the Bengalee in the Army has generally been that a Bengalee thinks too much and wishes to know the why and wherefore of a particular order. It is for that reason that it is necessary to inculcate in him from his very childhood a sense of discipline and obedience, and given the necessary training I have not the least doubt that in Bengal and from Bengal we shall have one of the best armies in India. Now, Sir, I have conveyed to high quarters the desire of my Government for military training and for the establishment, at any rate for the creation, of a Bengalee Regiment. I hope that the Government of India will consider this resolution sympathetically and even though it may not at the present stage consider it feasible to establish a Military College it should take steps to impart military training, territorials, militia, battalions, regiments, and give us these various amenities. I hope that all sections of the House will support this motion and will support our endeavours to raise an effective army in Bengal.

Mr. DEPUTY PRESIDENT: The question before the House is that an Address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of the Bengal Legislative Council requesting His Excellency to make a representation to the Government of India to establish a Military College in Bengal for the benefit of the Bengalee people.

The motion was put and agreed to.

Mr. NUR AHMED: Sir, I beg to move that an Address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of the Bengal Legislative Council with an earnest appeal to His Excellency to move the Government of India to stop evictions of Bengali immigrants from Assam by the present Assam Government.

Sir, this is a question which relates to humanitarian policy. I do not want to take much time over this motion. I may say that inhuman barbarities are being perpetrated in Assam in the shape of evicting those who at one time cleared the jungles and who faced the ferocious animals and made those waste and jungle lands fertile and sow crops and thus made them fit for human habitation. These barbarities in the shape of eviction of the settlers are done by Assam in spite of protest from all sides, in spite of appeals to that Government on grounds of humanity and on other grounds. It is not understood why these poor people are being driven out of Assam and deprived of their food and shelter. Justice and fairplay seems to have vanished from Assam. It is said that one crore and 80 lakhs acres of land are lying fallow, in other words 5 crores bighas of land are lying as waste land fit for cultivation. In spite of so much fallow land it is not understood why these people who happened to be mostly Muslims and who went to Assam, some 20 years ago, some 10 years ago and some 3 or 4 years ago, were treated and are being treated in this way. They went there many years before, established themselves there and built their homes, cleared jungles and faced dangerous and ferocious animals and thus added to the wealth of the Assam Government. But these people are now being evicted and not only evicted, their crops are being auction-sold and thus they are being driven to the wilderness. The latest report is that about 3 lakhs of people have been evicted. They with their children and families, are suffering terribly and most of them are on the verge of death from starvation and other causes and the Assam Government have not made any arrangement for their settlement elsewhere. Sir, it is sad that the present Chief Minister of Assam, Mr. Bordoloi, says that he is not following any new procedure. He says this policy is being pursued in accordance with the agreement which was agreed to between Sir Saadullah and the then Congress Party

which was in Opposition and which is now on the saddle there. Some of the relevant terms of that agreement are to the following effect:—

- (1) Those settled in Government reserves before the year 1938 should remain where they are.
- (2) Those originally settled on Government given lands and subsequently taking shelter in reserves owing to river erosion of their lands or due to acquisition for military purposes should not be disturbed till they were given lands outside the reserves.
- (3) Individual cases of hardships resulting from evictions to be considered by the Government.
- (4) Line system policy, which segregates the immigrants from the original inhabitants, should be given up within three years.
- (5) Before carrying out this policy a sitting enquiry about encroachments and a survey of all available waste lands should be made, so that a colonisation scheme might be started, reserving one-third of the available lands for future expansion and the rest to be allotted to the different communities, such as, the caste Hindus, the Muslims and the Scheduled Castes. An area at the foot of the hills also to be reserved for exclusive settlement of the tribal peoples.

Later an amendment to this agreement was accepted by the Government—that “any encroacher who had raised one crop after spending considerable time clearing jungles, labour and money should also be protected from eviction”. These fundamental principles are not being followed. Sir Saadullah has clearly shown that this agreement is not being followed. Sir, Congress speaks of India as one nation and they speak of fundamental rights and all that. Here I may cite a portion of a resolution passed in Karachi by the Congress. “Every citizen is free to move throughout India and to stay and settle in any part thereof, to acquire property and to follow any trade or calling and to be treated equally with regard to legal prosecution or protection in all parts of India.” Mr. Bordoloi is a member of this Congress organisation. It is to be seen how these declarations are given effect to and are followed by the Congress Chief Minister of Assam. Section 98 of the Government of India Act runs as follows:—“No subject of His Majesty domiciled in India shall on grounds only of religion, place of birth, descent, colour or any of them be ineligible for office under the Crown in India or be prohibited on any such grounds from acquiring, holding, disposing of property or carrying on any occupation, trade, business or profession in British India.

Sir, it is very unfortunate that at a time when there should be peace and amity, good relations between Nation and Nation, between all the communities inhabiting this land systematic and cruel atrocities are being perpetrated on human beings not in thousands but in lakhs who have produced the crop of the land, who have made their land of adoption a wealthy one and they are cruelly persecuted. Sir, is it not inhuman to evict persons from their homes with their families, with their little children? Is it not inhuman to sell his only means of livelihood, i.e., his crop, which is produced at his cost and labour, to buy their lands in auction sale and to deprive them of their only means of livelihood? Sir, this question was referred to that great Indian and he replied that because the people went there without the permission of the Government, they should be evicted, but my appeal is that when they went there, when they cleared the jungles, when they built houses, when they produced crops, then the Government did not prohibit them from doing so. The Government allowed them at that time and acquiesced in allowing them to clear jungles to make the land more fertile to grow crops and the Government practically permitted them to do so and they can have no right now to evict them at this time. They are mostly Muslims and they are being brutally and cruelly treated. Sir, it is

said that we are one nation. If it be so, why this discrimination against the Muslim immigrants from Bengal? There are others from the United Provinces and other provinces and they own 10 lakhs of acres of land. There is no eviction against them. Why should this cruel policy be followed against the people of Bengal alone who are mostly 90 per cent. of whom are Muslims. Sir, I must say this that because the Government of Assam thinks that the number of Muslims will be increased in the land they feel that the Muslim immigrants should be mercilessly evicted from their legitimate homes. Sir, this question was put to the Hon'ble Member for Foreign Relations of the Government of India and he in his letter of reply to the Hon'ble Mr. Gopinath Bardoli, Chief Minister of Assam, has said as follows: "The Immigration question is a complicated one and it has become a communal question which will make it more difficult of solution. Every effort should be made to avoid giving prominence to the communal aspect of it. Essentially it is an economic question and it should be tackled in an economic way. It must be recognised that a sparsely populated area with vacant lands as Assam is at present, cannot continue as it is with overcrowded provinces surrounding it. Therefore immigration is bound to take place because of the economic urge for it. No amount of sentiment and not even laws will ultimately stop it. Indeed, even from the point of view of developing Assam and making it a wealthier province, immigration is desirable. To talk in terms of stopping it is to ignore realities."

Sir, this statement is taken from a letter written by Pandit Jawahar Lal Nehru to the Chief Minister of Assam. In this letter it is apparent that the Pandit at that time did not support the policy of eviction but my humble prayer and appeal to the Government of India is that it should ask the Government of Assam to stop these cruel evictions. There has been much agitation over this matter and the last Karachi session of the Muslim League passed a resolution which runs as follows:—

"The Working Committee strongly condemns the barbarious atrocities committed by the Congress Government in Assam on thousands of immigrants by forcible mass evictions of immigrants from the so-called professional grazing reserves and Government waste lands by demolishing their houses and driving them to wilderness rendering them homeless and destitute.

The Committee further records its condemnation of the Assam Government's inhuman practice of selling by auction the paddy and food crops of immigrant cultivators, thereby depriving them of the fruits of their months of labour, of their sole means of subsistence, and exposing to starvation the families and children of the cultivators. The Committee urges upon the Assam Government to put an immediate stop to these inhuman evictions and auction sales and allow settlement of Government waste lands and excess lands in the professional grazing reserves to those cultivators who have spent time and labour in reclaiming their waste lands, built their homesteads and sown crops there. It is a matter of great surprise to the Committee that the Assam Government persists in its policy of oppression of the immigrant cultivators at a time when there is such acute food shortage in India."

Sir, appeal after appeal has been made by Mussalmans throughout India, and our popular Chief Minister also wanted to settle the question by consultation. We however do not like to criticise harshly the Government of Assam but when it is a question of inhuman sufferings nobody can remain unmoved. I therefore appeal to the House to accept this motion unanimously.

Mr. DEPUTY PRESIDENT: Motion moved that an Address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of the Bengal Legislative Council with an earnest appeal to

His Excellency to make a strong representation immediately to the Government of India to stop evictions of Bengali immigrants from Assam by the present Assam Government.

Khan Bahadur GYASUDDIN PATHAN: Sir, the mover of the motion has very elaborately discussed the subject of his motion. So I do not think it will be necessary for me to be long in my speech. Sir, the Assam eviction is now a matter of great concern to all right-thinking persons in Bengal, in view of the fact that the evicted families are all Bengalees. Moreover, the method of eviction pursued by the Assam Government is not only inhuman but history fails to cite any such similar instance. We have read much about the inhuman and barbarous atrocities of "Namrud" and "Ejid" of antiquity, but nowhere we have seen forcible eviction, followed by burning of houses, crops and all that belonged to the poor and helpless people and wholesale raids by elephants. It may be noted that a few years ago the services of these fearless Bengalees were considered necessary to clear up jungles by fighting with wild and ferocious beasts such as tigers, leopards, elephants, but all on a sudden these people who cleared the jungle areas even endangering their own lives and making lavish gifts of their children to malaria and kala-azar, are being evicted by the Assam Government on a lame excuse. I appeal to the honourable members of the House to consider the helpless conditions of the Bengalee Muslims. I may tell you that very recently there was a conference at Bahadurabad which was attended by about a lakh of people (Mr. LALIT CHANDRA DAS: Has Assam been invaded yet?) and about 2,000 people of Assam also attended the conference including many members of the Legislature and there was a unanimous Resolution passed to move the Central Government through the Government of Bengal to take up the matter and put an end to the barbarities perpetrated in Assam. So in this view of the matter I support the motion and I hope it will be unanimously accepted.

Mr. LALIT CHANDRA DAS: Sir, I oppose the motion—

The Hon'ble Mr. SHAMSUDDIN AHMED: Why oppose?

Mr. LALIT CHANDRA DAS: Wait a bit and you will know. Sir, a request is being made to His Excellency to make a strong representation immediately to the Government of India to stop evictions of Bengalee immigrants from Assam. Why should His Excellency be invited to do so? Why should he do so when Bengal is an autonomous Province and Assam is also an autonomous Province. I think it is the business of Bengal Government and Assam Government and the Central Government has nothing to do with it. How can Central Government interfere with Assam Government if Assam thinks that it would be their best policy to do so for the protection of the Assam people. I do not understand why we on this side of the House in Bengal should move our Governor to appeal to the Government of India to stop eviction. I say land is a provincial subject and Assam has got sole right to do what it likes and it would be illegal for the Government of India to interfere in any way in this matter. So in this matter we should not lose all sense of justice and fairplay and interfere with the autonomy of the Assam Government.

Sir, things are not what they seem. Feelings are being exacerbated by the policy of the Muslim League. As a matter of fact, so far as this present policy of eviction in Assam is concerned, when Sir Saadullah was the Chief Minister of Assam it was decided by the Muslim League Government of Assam that these Bengalees were intruders in Assam and they were interfering with the loaves and fishes of the people of Assam and it was decided that they should be evicted. Sir Saadullah's policy is now being followed by the present Government of Assam. Mr. Bardoloi, the present Chief Minister of Assam, has repeatedly stated in the press and on the platforms that they are only carrying out the policy of the Muslim League Government headed by Sir Saadullah. I may point out, Sir, that the real motive

is not the protection of the Bengali immigrants as would appear from this motion. If the Muslim League Government in Bengal was really sorry for those people, if they thought that those people were faced with starvation, it is the duty of the Bengal Government to bring them here and provide for them succour. Without doing this they are shamelessly asking the India Government to interfere with the administration of Assam. I submit they are adopting a dubious method of asking His Excellency to interfere, to meddle in the affairs of Assam Government. It is an unfair suggestion. Sir, it is apparent that the present Government of Bengal, formed by the Muslim League, are trying to make Assam a part of Bengal. Their real intention is to Pakistanise Assam. They have moved this motion to this effect not only here in this House but they are holding meetings to this effect. They have at present an intention of invading Assam to terrorise Assam Government and bring a downfall of the present Assam Government so that Sir Saadullah may again be the Chief Minister and then it will be easy not only for the Bengali immigrants but it would be easy to Pakistanise Assam, and Assam will form a part and parcel of Bengal. I strongly oppose this resolution.

Sir, their real intention may be well understood if you follow their policy in regard to Bihar refugees. The present Muslim League Government of Bengal sent Mr. N. M. Khan, through the Muslim League Party, to bring about 150,000 refugees from Bihar with a view to Pakistanise the West Bengal. They have a overwhelming majority in East Bengal, now they want a similar majority in West Bengal. We strongly condemn the present policy of the Muslim League. The Assam Government is strongly protesting against the policy that is being pursued by the Muslim League there. If the Muslim League Government of Bengal is really sympathetic, as I have already said, they can withdraw those people from Assam and settle them in Bengal as best as the Government of Bengal can do here. You are autonomous and independent, why should you ask the India Government to force the Assam Government to keep those undesirable elements there?

Now, Sir, this motion is being placed in this House but I know that as a matter of fact representations were made to the Government of India with respect to this and the Government of Assam had to reply to the representations in more strong terms than those contained in the representations which were made by Mr. Nur Ahmed in this House. On hearing these representations the Government of India came to the conclusion that the Assam Government was right and they had every right to carry out their own policy. I do not understand why the Government of India should be asked to violate the sacred principle of Provincial Autonomy and why the Governor of Bengal should be asked to take up a matter like this where the entire policy is in the hands of and can be dictated only by the Assam Government. With these words, Sir, I lodge my emphatic protest against this motion.

Mr. NAGENDRA NATH MAHALANOBISH: I beg to oppose this motion for the simple reason that the provisions of Rule 112 were not ever intended to bring in matters of this nature before the Council. It is intended for the purpose of expressing the opinion of this Council on matters which are really not controversial and in which all the sections of the House have got a strong desire to move the higher authorities. My honourable friend Mr. Nur Ahmed, I am sure, knew it from before that this is a matter which is extremely controversial and that this controversy has been going on in the country for several years past from the time when Mr. Saadullah was the Premier of Assam and it was practically he or his Ministry that decided that such immigration should not be allowed. From that time onwards the agitation started and it has now assumed great proportions. Now we are even hearing of a possible invasion of Assam by lakhs of intending immigrants. I do not know if that is going to happen in the

near future. But whatever it is, there cannot be the least doubt in the mind of any honourable member in this House that this is one of the most controversial questions that is agitating the minds of the people of Assam as well as the people of Bengal and therefore I submit that this motion should not have been brought under Rule 112. It is obvious that except under Rule 112 we cannot discuss this matter in this Council. Law bars it. The Rules bar it. That being the position I submit that this motion ought not to be discussed any more in this House. (The Hon'ble Mr. SAIED MU'AZZAMUDDIN HOSAIN: But the President has allowed it and admitted it.) With all respect for the President, the President is not supposed to know the feelings of the members of this House or the feelings outside. He might have admitted this resolution on the assumption that all sections of this House might agree to it. When the matter is brought to the notice of the President and when the attention of the President is drawn to the history of this controversy which has been going on for several years, I think that this matter should not be further proceeded with. My second point is that we cannot really discuss or criticise the conduct of another Provincial Government. It was only the other day, I mean yesterday, that honourable members on the Treasury Benches even objected to the reference to Bihar and now we are going to criticise the conduct of another autonomous Government, the autonomous Government of Assam. I submit, whether it is good, bad or indifferent, whether their policy is liked by you or not, you cannot here in this House criticise the Assam Government and its way of dealing with the internal question of immigration in that province. Now, Sir, every Government everywhere in this world have got their own rules about this immigration question. They can allow somebody to go there and settle or if they like they may not allow others to go there and settle. The question that they have got enough lands to spare is immaterial and irrelevant. It is for that particular Government to decide and settle as to how their lands should be utilised. It is certainly meant for the Assamese people and it is the Assamese people alone who have the primary right to have these lands for their own benefit. Simply because your reply is that Assam has got enough lands, it is no reason why you should go and settle there and say "we shall have them because you have lands enough to spare". That is nothing but an attempt to force one's self or to help one's self to other people's property, and there is no equity in it. As Mr. Das has pointed-out, if you can bring in one and a half lakhs of people from another province and maintain them at the cost of Bengal's taxpayers, then why not bring those immigrants from Assam because, as you say, the immigrants are suffering so much in Assam, for which you are now shedding crocodile tears? Bring them down here and maintain them at Bengal's cost; your Government will be willing to pay as much as is necessary. I submit that this is a matter which is not really permissible to be discussed here and that the Government of India also, as my friend Mr. Das has already pointed out, has got absolutely no jurisdiction to interfere in the matter. Under the Government of India Act these are provincial matters and the Centre is not entitled to interfere with the internal administration of any province. They did not interfere in the matter of stopping the Great Calcutta Killing, nor in the Noakhali business, or in the matter of any other maladministration by the Government of Bengal. I therefore submit that it is an absurd request to make to the Central Government.

The Hon'ble Mr. SHAMSUDDIN AHMED: Don't talk of Bihar, Mr. Mahalanobish.

Mr. NAGENDRA NATH MAHALANOBISH: Leave aside Bihar, indeed, but I do not think you should be so sensitive; I know what you have done and are doing—

The Hon'ble Mr. SHAMSUDDIN AHMED: Yes, you will get your reply.

Mr. NAGENDRA NATH MAHALANOBISH: Yes, you always have the last say on the other side. Even considering the motion on its merits I think that this resolution should not be accepted by the House.

Mr. KAMINI KUMAR DUTTA: Sir, I think that in the discussion of this motion unfortunately we have introduced a communal complexion. That should be avoided and without any reference to any communal aspect this question can be discussed and can be discussed very efficiently. Of course in the motion itself the expression used is "Bengalee immigrants". Really, I would like to say that there is some confusion of ideas in respect of this matter. If it is a question of migration, then certainly it would be a subject exclusively within the jurisdiction of the Government of India, for that item finds a place in List I; migration is not a subject for the provinces at all. But it is not really a problem of migration at all; if it were so then the question would be of gigantic magnitude. It is a question which every province would have to consider very carefully. Suppose if some residents of Central Province, which is known to be a not very fertile province want to migrate to the fertile soil of Bengal, would you welcome it? Certainly not. I say even if all those people be Hindus, I, as a Bengalee, would say "no". It is a question of Bengalee and non-Bengalee and you should look at it from that aspect. It was said that there is plenty of fallow land in Assam; but, as my friend has just now said, there is absolutely no reason why one province would allow migration of the people of another province into its own province. Then, Sir, migration is a very different problem. This is a very important problem in the whole world. We know how jealous people are to see that there is no unrestricted migration. The history of South Africa, Canada and other countries where colonization has been going on shows how people are jealous and how they are against migration from another country to their own. People are generally against migration from outside. So it is not a problem of migration. Here there should be no question of Hindu or Muslim, there should be no question of community. It should be the question of common mother land. So it is not a question of migration at all from Bengal to Assam and it does not come within the jurisdiction of the Government of India. It is a problem of land dispute between those people who are said to be emigrants whether they are settlers or not, whether they have a right to remain there or not, whether the Assam Government have a right to evict the people who claim to have settled there, it is all a problem between the settlers and the Assam Government. I think no political atmosphere ought to be created and no communal colour ought to be given. We do not know how much percentage of these people are Muslims and how much Hindus—there are Hindus also. But it is a case for the Assam Government and the question whether these persons should be evicted or retained rests exclusively and conclusively with the Assam Government. As I told you at the outset—suppose you have a large tract of land here in Bengal lying fallow and if people from United Province want to come here and occupy this land would you give them? Certainly you have the right to refuse them and you would resist in the same way as the Assam Government is doing. That is exactly the position of the Assam Government. The Assam Government says that it is their policy—it is their land policy—in governing a province they must have a policy and under that policy if they do not want people from outside to settle there I think we have got nothing to say. They have got a policy followed for settling their surplus land and they are following that policy and under that policy they may want to prefer the men of their own soil—people who require the lands there. As far as we are able to see from the reports published, all the facts are not before the House regarding this dispute between the Government and the so-called immigrants. Then there is the question of the pastoral lands also. Government have reserved some of these lands for the purpose of grazing. So, it is only a question of the application of the land policy of the Assam Government. After all the lands belong to the Assam Government and certainly it is not fair to coerce

that administration to agree to give some portion of their lands to the people who went there from outside. This question is fraught with great danger unless it is properly handled. We should not play with fire. I should beseech my honourable friends opposite and also the Government of Bengal to consider this policy carefully. This example of this Government may be followed by the people of other provinces. They may also come to Bengal and say that our province is not fertile and we find there is enough of fertile lands in Bengal, so we like to stay and settle here. I submit, Sir, it is not really a question of immigration at all. Migration from one province to another rests exclusively with the Government of India. It is a domestic problem between the Government of Assam and the people who claim to have got some lands there. It is more a question as to the application of the land settlement policy of the Assam Government and I would warn that we should not introduce any other aspect—whether it should be provincial or private, whether it should be on a all-India basis or inter-provincial. The question of one community or another should not be allowed to come in here. We should not introduce communal questions in all matters. We have had enough of it. We should not forget our own province. We should not forget that Bengal is our mother land, Bengal is my own province. Of course the interests of the Bengalees are to be safeguarded but at the same time we should see that first of all the interest of the province is safeguarded. The other provinces have their own consideration. They have first to protect and safeguard the interests of the sons of their own soil and certainly we cannot force our population into the boundaries of another province. Simply because they have surplus lands is no ground that we shall claim some portion of that. In coming to a decision on this question, I would appeal to the members of this House to banish the question of a particular community. Do not stretch this question of one community too much. It will bring danger. The Frankenstein that you will be creating will kill you one day.

Mr. DEPUTY PRESIDENT: Order, order. The House stands adjourned till 2-15 p.m. on Tuesday, the 11th February, 1947.

Adjournment.

The Council then adjourned till 2-15 p.m. on Tuesday, the 11th February, 1947.

Members absent.

The following members were absent from the meeting held on the 7th February, 1947:—

- (1) Mr. L. P. S. Bourne,
- (2) Khan Bahadur Syed Abdur Rashid Chowdhury,
- (3) Khan Bahadur Sheikh Fazal Ellahi,
- (4) Khan Bahadur Sir Md. Azizul Haque,
- (5) Mr. Mungturam Jaipuria,
- (6) Alhadj Khan Bahadur Shaikh Muhammad Jan,
- (7) Mr. Humayun Z. A. Kabir,
- (8) Alhaj Yar Ali Khan,
- (9) Mr. Syed Abdul Mazid,
- (10) Mr. George Morgan, C.I.E.,
- (11) Mr. T. B. Nimmo,
- (12) Dr. Kumud Sankar Ray, and
- (13) Mr. Satish Chandra Sen.

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session 1947—No. 4.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Tuesday the 11th February 1947 at 2-15 p.m. being the fourth day of the First Session of 1947, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

Adjournment Motion.

MR. PRESIDENT: Yes, Mr. Lalit Chandra Das.

MR. LALIT CHANDRA DAS: Sir, will you permit me to speak through the microphone?

MR. PRESIDENT: Yes.

MR. LALIT CHANDRA DAS: Mr. President, Sir, I beg to move that this Council do adjourn its business to discuss a definite matter of urgent public importance and of recent occurrence, namely, the serious situation arising out of the unprovoked and unwarranted firing and lathi charge by the police on the peaceful and unarmed students demonstration on *Viet-Nam Day* and the 21st January, last, in front of the Senate House Calcutta University (College Square, Calcutta) resulting in one student killed and 200 others injured, of whom 21 received bullet wounds, including some lady students also.

Sir, the other day the Hon'ble Chief Minister said in this House that Government business was being impeded because of these Motions and Resolutions. Sir, it is amazing that this complaint came from the Minister who is also in charge of and is responsible for the maintenance of law and order and peace and tranquillity not only in the city of Calcutta but also throughout the province and whenever there is a failure of the proper maintenance of law and order it is the duty of the legislators to draw attention of the House to such a state of affairs and because the machinery of law and order fails too often we have often times to bring in such motions for discussion and if this entails any delay in the transaction of Government business the responsibility for this lies on the head of the administration.

Sir, about a week prior to the 21st January last, 21st January was declared in Calcutta as "*Viet-Nam Day*" for expression of sympathy by the students with the people of Viet-Nam in their heroic struggle against the French jingoes, struggling for freedom and for protection and preservation of their Republic. This the police knew very well. Sir, for one colonial people struggling for freedom, it is but natural that all colonial peoples of all other countries would be sympathetic and hold demonstrations for the purpose of expressing their sympathy. There was nothing criminal or communal about it, and indeed, a very strong contingent of Muslim students joined with other students in the demonstration that day. The police, the agents of British imperialism, scented danger and they marched from Lal Bazar in solid phalanx armed with all sorts of weapons to meet a body of students thoroughly unarmed in College Square where in front of the Senate Hall, in the University lawn, a meeting and a demonstration was to be held.

Sir, why did the police come in such great force? The answer would be, for the purpose of preventing the violation of the order under section 144, Criminal Procedure Code. This order, Sir, was passed so far back as on the 18th August last by the Commissioner of Police at the instance of the Provincial Government for the purpose of preventing and checking communal disturbances which broke out on the 16th August last as a result of the Direct-Action-Day policy of the Muslim League party. The curfew was also enforced. But the curfew order was withdrawn long ago with the cessation of communal disturbances. Why was the order of section 144 not withdrawn along with it? The reasons for enforcing curfew are exactly the same as those for section 144. But quite inconsistently, in spite of protest, in spite of clamorous demand of the public section 144 was not withdrawn—thus suppressing the civil liberties of the people, the citizens' right of freedom of speech and freedom of association and freedom of holding meetings. Even then the order promulgated by the Commissioner of Police was only for preventing and putting a stop to further occurrence of rioting, arson and looting and could not be applied to a procession of both Hindu and Muslim students who were out, hand in hand, on the city streets on the Viet Nam-Day. Sir, that day the people of all communities irrespective of caste, creed and different political views, were peacefully proceeding to join the meeting and there was no apprehension of rioting, arson or looting for prevention of which only, the order under section 144, Criminal Procedure Code, was passed. In this view, the students going in procession to hold a meeting cannot be said to have violated the order.

Sir, let us look at the question from another stand point. It had been seen that on important occasions, such as, the Id prayer day and the idol immersion procession day, the police of their own accord suspended the operation of section 144, although on those occasions the chances of communal clash were not remote. I ask, why at least on the 21st January last, when there was absolutely no chance of communal clash when in fact the Muslims fraternised with the Hindus the order under section 144, Criminal Procedure Code, was not suspended to allow the students to hold their demonstration peacefully? Is it that the defenders of British Imperialism in sympathy with the French Imperialists had suddenly become afraid of Hindu-Muslim unity and were determined to crush the students for having dared sympathise with the freedom loving people of Indo-China? Sir, even if it is held that there was the technical violation of the order, the force used by the police was beyond all proportion, harshly excessive. In fact, Sir, the police that day made a barbarous exhibition of their brutal strength. Sir, they used tear gas, freely applied the regulation lathis, turned the hose pipe on the crowd before the Senate House and finally discharged several rounds of ammunition from their guns with no quibus of conscience in doing so, resulting in at least deaths of two students, one having died instantaneously and the other subsequently in the Medical College Hospital and also resulting in infliction of injuries on at least 200 people, twenty-one of whom received bullet wounds. In the attack some lady students also suffered. Sir, the police behaved with equal ferocity when they stopped the students' procession at Dharamtalla in November 1945 demonstrating for the release of I.N.A. heroes. Sir, they urge necessity as their plea. Necessity, Sir, is the tyrants' plea. Sir, we ask where was our Chief Minister that our during whose regime so many tragic incidents had taken place in almost clock work regularity at short intervals. Sir, we ask where was our Home Minister on the 21st January last? Was he in the Control room of Lal Bazar thana to control the activities of the police that day as he was there on the 16th August last when communal riots broke out and continued for full four days? He surely knew beforehand that a students procession would converge in the College Square on the Viet-Nam Day. Was it not his duty to warn the police to behave properly having known earlier exhibitions of their improper conduct towards students and nationalists? Were the Moslem Leaguers in secret sympathy with the

British Imperialist? For, let it be said here and now that it is common knowledge that every British Imperialist is supporter of the Muslim League and every Moslem Leaguer is a supporter of British Imperialism. Or how else can you explain the masterly inactivity of the Police day before yesterday when thousands of Muslim Leaguers broke Section 144, Criminal Procedure Code order and marching through the streets gathered before the Muslim Institute and in presence of the police shouted themselves hoarse, one section crying "Suhrawardy Zindabad" and the other crying "Sher-E-Bengal Fazlul Huq". Sir, clearly enough the police the Agents of British Imperialism have one Code for the Muslim League and another for the nationally minded.....We ask again where was Mr. Suhrawardy on the 21st January last and what steps did he adopt to prevent the tragic occurrence—this bloodbath on Calcutta streets? For full four days the police on and from 16th August were a milk of human kindness to rioters, looters and murderers and very sparingly used their weapons. Their conduct then must have pleased their Imperialist masters as their conduct on this occasion also would gladden them.

Sir, I do not lose sight of the fact that for that day's business and official communique was issued in which various acts of hooliganism are alleged to have been committed by the student demonstrators to fasten the blame on the students to justify the police action. Sir, it is easy to make allegations. How could the Government be sure that it were the students who threw stones and not the riffrafs of the town who usually gather on such occasions to carry on their nefarious trade. Agents provocateurs who always concentrate their activities in big gatherings could very well manage affairs so as to provoke the police to action. But the fact remains, the students both Hindus and Moslems came in their thousands absolutely without any sort of arms with the intention solely to demonstrate their sympathy for the annamites in their trouble and not to defy the Government order nor to provoke the police nor to do rioting, looting or anything of the sort. Sir, if the police would have shown a hundredth part of their teeth on the 16th August as they did on the 21st January last and used some bullets judiciously, then we would not have had to witness the great Calcutta killing which has disgraced the fair name of Bengal and of the Government. Sir, I repeat, I am not unmindful of the fact that a Communique was issued by the Government on the day's happenings. Sir, in this communique Government remained surprisingly silent about the firing. Why? Did the conscience of the Government get pricked? Did the Government realise that the firing was unjustified and so remained silent? Sir, this great omission proves if any proof were needed, proves beyond any doubt that the police were in the wrong.

Sir, with these words I commend my motion for the acceptance of the House.

MR. PRESIDENT: Order, order. Motion moved that this Council do adjourn its business to discuss a definite matter of urgent public importance, and of recent occurrence, namely, the serious situation arising out of the unprovoked and unwarranted firing and lathi-charge by the police on the peaceful and unarmed students demonstration on Viet-Nam Day, the 21st January last, in front of the Senate House, Calcutta University (College Square, Calcutta), resulting in one student killed and 200 others injured of whom 21 received bullet wounds, including some lady students also.

MR. HARIDAS MAZUMDAR: In supporting the motion, Sir, I like to point out that Sir, Viet-Nam Demonstration is nothing but an expression of that desire of the students which wants to make their country free from the firm grip of imperialism.

Imperialism, French or English, tastes the same bitter stuff. This natural outburst of the inner feeling of the students should have been

appreciated rather than suppressed. May I enquire why firing was not resorted to when the League or Muslim students were crying Muslim League slogans and various forms of Murdabad and Jindabad in and around the Assembly Chamber for days? Why this invidious distinction and treatment?

As to the Commissioner of Police whom I shall not call coward, may I enquire, why he when bothered or bored by the Premier in the control room stood inactive when section 144 was set at naught by these students. Firing on Hindu crowd or students has become very easy matter. Hindu youths without any leader in Bengal are really objects of pity in this doomed province. This calls for a Hindu revolt against the intolerable oppression by the League Ministry and its underlings and slaves.

May I enquire why Calcutta having 80 per cent. non-Muslim population should groan under a "Calcutta killing" atmosphere created by the League misrule and communal police control? Why of all things Hindu majority portion of Bengal should be steamrolled by an unreasonable, irrational fanatical section of the League Ministry and League conspiracy. Leaders are selling Bengal to the Muslim Leaguers at a price and consideration which even ten years back these very students could not dream.

Sir, I do not like to go into the merits of these demonstrations except what I have already stated; but good, bad or indifferent whatever might be the motive of these students, firing on unarmed students cannot be supported. The Ministry have failed to maintain law and order in the country, only students of Calcutta pay the penalty for the misrule of the League Cabinet. They must go out and make room for a Coalition an honest Coalition Cabinet failing which let there be a partition of Bengal where Hindus may feel secure and safe and maintain a true balance for the East Bengal. With these words, I support the motion of my honourable friend Mr. Lalit Chandra Das.

MR. NAGENDRA NATH MAHALANOBISH: Mr. President, Sir, I beg to support this motion. I will not raise any communal question in discussing the motion before us. It is undisputed that the students' procession was a procession of students of all classes and communities. There were Hindus, Muslims and other communities represented and their object was actually to make a demonstration for the purpose of showing sympathy with the Viet Nameese people who were going to be deprived or rather robbed of their independence by the French Imperialists. Whether that was right or that was wrong or that was proper or improper, it is not for us to consider here just now. The question before the House is how far the Government or the Police were justified in interfering with the students and ultimately firing upon them and killing some of them. There was, I understand, absolutely no disturbance by these students before the police interfered. There was going to be held a meeting in their college premises and students from various parts of the city were converging to that place of their meeting and I understand that the police started interference from various quarters and the students were held up at different places. There were ladies, there were girl students, there were young boys and almost all of them were practically in their teens. They were not armed; they had no intention to violate any 144 proceedings or any order of the Government. They were not making any demonstration against the 144 order. That order has been in force in Calcutta from August last and nobody could have even dreamt that the Government or the Police in Calcutta could have thought that these young students were actually violating the order under section 144 because it was not their object; their object was not illegal and even if you strictly interpret the law they were not members of an unlawful assembly. If you read section 141 of the Indian Penal Code you will find that the object of an assembly must be to do some mischief, some offence of criminal trespass or other offence or to break the law. Now here, if, technically you can charge them with anything, you can charge

them with violation of the order under section 144. Now 144 was promulgated not to prevent the assembly of students or other innocent assembly but it was primarily for the purpose of preventing any riot or communal clash or people armed with lethal weapons or other weapons so that there might be a breach of the peace. That being the object of order under section 144 what were these students doing; what were their objects! The Government knew it; the Police knew it that their object was very innocent. Perhaps they wanted to make a demonstration before the French Consulate and to hold a meeting and pass resolutions sympathising with the lot of the Viet Nameese. Now, Sir, if that were the object how could anybody possibly imagine that it was an unlawful assembly; how could the police take it into their heads that this procession ought to be stopped. If you see that there was a technical breach of the 144 order which I certainly dispute, I submit that even then the police were not justified in starting tear-gassing them, lathi-charging them and ultimately shooting them. There is no law which would authorise any government to do that. If they violated the 144 order, well, the police were perfectly entitled to arrest them, to take them to prison, to take them away but what authority had they to tear-gas them, lathi-charge them and shoot them? I would like to know what authority there was and I hope that we shall be enlightened by the able advocates of the other side. You may go on arresting them if you cannot arrest them then you can do nothing with them. You should have a summons issued through the Magistrate and try them according to law. That obviously was the proper procedure to adopt. But how could you let loose the police goondas who were absolutely doing nothing during the August riots and were standing as statues in street corners when hundreds and thousands of people were being killed in broad daylight in their presence and the police if they did anything, they were taking part in looting. This is your Calcutta police and your Calcutta Police on this particular occasion took it into their head to interfere with this peaceful procession of students and then started shooting. The theory of brick-batting is there and that theory as also that of sodawater bottle hurling is always handy to them and they could always say that their lives were at stake. They would reply that the procession was likely to injure them and their lives would be at stake and that is why they were forced to resort to firing. I submit that these sorts of excuses might be invented by anybody and that is why they lost their head. The police could and should have only watched, but there were some among the policemen who I believe had a brainwave and thought, that their inaction in August 1946 might be made good on this occasion. I submit and I may cite a recent case when hundreds and thousands of Muslim leaguers went in procession in Calcutta and they were left untouched. I do not at all raise this question to say that there was partiality. I rather say that that was the correct attitude for the police to take. Section 144 order was surely not imposed to prevent peaceful procession of students and other innocent people but to prevent second riot in August last. I therefore condemn the action of the Government and of the police and I commend the motion to the acceptance of the House.

Rai Bahadur JOGENDRA CHANDRA ROY: Mr. President, Sir, I would have been very glad if I could have somehow spared myself this painful necessity of uttering some unpalatable truths. But the occurrence under discussion is so disgraceful and inhuman the entire episode is so marked with mediæval barbarity that I shall be guilty to my electorate and false to my conscience and my Maker if I do not expressly and frankly condemn the Government that have stopped down so low as to fire upon a body of unarmed students of my country, specially when that Government boast of their being a "National Government." The Government may say "we have imposed restrictions on civil liberty under section 144, Criminal Procedure Code, for the good of the country. They have violated this law and hence is their punishment". May I say that the Government have

to search his own conscience to find an honourable justification for what has been done in the present case for the so called maintenance of law and order? Is it not strange that the police which had displayed such masterly inactivity during the "Great Calcutta Killing" should now be bubbling with activity and be so eager to demonstrate their powers against unarmed youthful students. That shameful tragedy of the 16th August would never have disgraced Bengal's history if the keepers of law and order had been half so alert and active as they were on the 21st January. And though the Government in a press note has cooked up all sorts of slander against the students, it curiously does not mention police firing. That there was firing on the unarmed students was revealed from the reports of the hospitals; Why then this foolish attempt to suppress the truth?

On many occasions in the past we have seen that the police as an agent of British Imperialism had acted more brutally and the hell of repression had been let loose on the unarmed and non-violent people of our country. In my opinion the situation could have been saved by mere tactful handling as it was handled in the southern part of the city to disperse the students. But in this case the over-zealous activity of some police officers led to this unhappy tragedy. The police barbarities there were uncalled-for and unjustified. The students of Calcutta assembled before the Senate House to denounce the French Imperialism. No act of violence was contemplated as they were completely unarmed. Had the processionists been allowed a free passage I think no harm would have been done to anybody. For tragic incident of the 21st Police are wholly to be blamed. They displayed force in a most disgraceful fashion. Besides using tear gas there was *lathi* charge and firing. There is some relief that military was not called out to disperse these non-violent students.

On this day the students were observing Viet Nam Day peacefully and non-violently and still the police used *lathis* missiles and tear gas on them and peaceful citizens. We did not expect such Fascist behaviour from the Government that claims to be National and I further think it an act of shame and regret and everybody will condemn and has condemned such barbarous acts.

In conclusion I pay my humble respect to the memory of student martyrs Dhiraranjan and others and demand compensation from the Government for those who are dead and wounded and we further demand unconditional release of those students and citizens who are prisoners or against whom charges are pending, and we also request the Government that they withdraw the section 144 forthwith. But may we not also fervently expect from this National Government of ours that such mediæval barbarities will no more mar the sacred land of ours at least so long as they are at the helm of affairs in this province. Let this dawn tinged with red colour of bloodshed be the dawn that is brightened with the red hue of anew era of happiness and glory to our motherland.

Mr. G. MORGAN: Mr. President, Sir, I am afraid, we cannot support this adjournment motion. The thing is rather ill-advised because the whole point is that law and order had to be maintained. As to how it was maintained on that occasion and as to why firing and *lathi* charges were resorted to I hope the Chief Minister will be able to explain. My hon'ble friend Mr. Mahalanobish said that there was no disturbance; I was not there and I cannot corroborate that. It seems to me that the inference is that the police fired on quiet, innocent and law-abiding students. Well, I cannot believe that. I think the Chief Minister will explain the position. We all know that section 144 is in force and it was the duty of Government and their executives to see that law and order is maintained and if they do not do that how law and order is going to be maintained and what is going to happen—

Mr. NAGENDRA NATH MAHALANOBISH: Calcutta killing.

Mr. G. MORCAN: Possibly. If they do not maintain law and order the country simply crashes, every one will run amok. It must be remembered that however misguided they may be the fact remains that they will be the future rulers of the country and if they are going to suspend law and order in this way we do not know what will be the reaction of that. But I say that the shooting and *lathi* charges will have to be explained by the Chief Minister. Some said there was no disturbances, some said that they were all completely unarmed and the police fired on innocent people. But police do not fire on innocent people so far as I know. I hope the Chief Minister will explain as to why firing was resorted to. Regarding my friend Mr. Haridas Mazumdar's point about Partition, though it is a communal matter, still it interests me. For in 1908 when East Bengal and Assam was a separate province, I was a member in the first Legislative Council. When in Delhi we were told that we may have to go to Bengal. There to our astonishment in 1911 we were told to come back to Bengal. So, at that time there was an agitation against Partition and this agitation was carried on by the Hindus. Now, they want Partition! (Mr. HARIDAS MAZUMDAR: Because circumstances have changed. You were then an young man and now you are an old man). Therefore, Sir, I think we should support the Ministry in the execution of law and order. No doubt the Chief Minister will explain to us why the particular firing episode took place—were the people innocent or were they creating disturbance whether they were violent and braving law or non-violent.

Mr. BIJOY SINGH NAHAR: Mr. President, Sir, we all know that a very strong current is flowing throughout the whole world against imperialism, to kill imperialism of any sort. We in India, I am sure, all parties agree to drive out imperialism. We are in sympathy with any people who are fighting against imperialism of any sort. What happened on the 21st January, the students of Calcutta—all sorts of students Hindus, Muslims of all colleges—decided to observe Viet Nam Day in sympathy with the struggle of the Viet Nameese people—to fight against the French imperialism. They did nothing to break law. They wanted to hold meeting in the Calcutta University compound. You will find, Sir, from the papers that notices were issued from different student organisations that they wanted to hold meeting only, and the holding of meeting is not illegal nor has it been banned in this province. But what happened actually? Students came out of the schools and colleges and proceeded towards the University. There was no procession so to say. (The Hon'ble Mr. H. S. SCHRABARDY: Hum.) There is no question of "Hum, hum" by the Chief Minister. The students were coming out to hold a meeting—that is all. The police were too vigilant, as will be found that at about 9 a.m. long before the time of the meeting hundreds of police were present before the University in College Street, as if something was going to happen there. When the students were coming out in the streets they were disturbed by the police, they were checked by the police near Hati Bagan in the beginning and next near the College Square. What happened afterwards we all know. There was no question of breaking the law. I can say that various other meetings of the students were being held in the University compound previously but the police never interfered and so no trouble arose. It is the police that interfere and creates all sorts of troubles and they indulge in this blood bath on the streets of Calcutta. I can cite one or two instances to show that the police were over-vigilant. We have read the news and comments in the newspapers but the Government or the police never contradicted them. Sir, the beds of the Medical College Hospital were vacated to some extent on the previous night in the expectation that something would happen. Why this anticipation before? The Police Chief, I will not say that he was wrong, because unfortunately for us there is still a European as the head of the Police Chief in the city of Calcutta. Certainly the Europeans who are with the British Imperialism here today they are out to kill all sorts of agitation against any sort of imperialism and they want

Imperialism to be here. But it is most unfortunate, Sir, that our Ministers and our Government are siding with this sort of thing. Sir, we never expected that the Minister in charge of Law and Order would indulge in this sort of thing and would allow the police to do these things that the victims being the students be wounded, to be killed in this way. Sir, this is most deplorable and when such sad scenes were enacted now and before, the Ministers sat tight in their homes; they did not do anything; they did not act; they failed. Sir, in this debate at an earlier stage one question has been raised that this is a communal issue. Sir, I can say there was no communal issue altogether in this. (Mr. HAMIDUL HUQ CHOWDHURY: Who raised that?). Our friend Mr. Haridas Mazumdar raised this thing but I can clearly say that both Hindus and Muslims, all sorts of students were there. The Hindu and Muslim students also were wounded and they were admitted into the hospitals and therefore there was no question of communalism in it. The only object of the students was, to show their sympathy in a fight, in a struggle between the people of Viet Nam against an Imperialism and the Government of Bengal today which claims to be a popular Government, the same League Government today also wants to kill the spirit of fight against Imperialism. That is most unwanted and regrettable. Sir, with these words I again ask our Government and Ministers, specially the Minister in charge of Law and Order, to see that no further incidents like this do happen. Let the students and let the public go on in peace so that unwarranted and unprovoked police excesses as firing, *lathi* charging and tear-gassing do not happen on the streets of Calcutta like this henceforth.

The Hon'ble Mr. H. S. SUHRAWARDY: Mr. President, Sir, I would like to say at the outset that no one deplores this incident more than I do or the Government does and it is a matter of great regret that the police had to resort to coercive action on that day. Let us, Sir, however, not confuse the issues. This was no outburst of any imperialist sympathies by the European Commissioner of Police. It had nothing to do with Imperialism at all. As a matter of fact, on one occasion the Commissioner of Police even told the students that he was prepared to allow them to go to Park Street and demonstrate if they wished to do so outside the French Consulate provided that they did not go in a procession and this was refused. The students insisted on going out in a procession. Take the other issue also which has been falsely raised, namely, the necessity or otherwise of section 144 in the city of Calcutta. Regarding that if the issue comes to the fore I would be prepared to seek your vote on that issue and I am sure that all responsible people will support me in the policy that it is not yet time to remove section 144. It is wrong to say that section 144 has been placed there for the purpose of curbing civil liberties. Well, that may be applicable to some other places and some other provinces but not in a place where the memory of the late carnage is still with us and when its effects are still being felt by us. Is there anybody who can deny that things have not yet returned to the normal, that people are still in a state of panic? Are the Muslims in a position now to go back to Hindu localities? Have the Hindus come back and entered the premises which they had vacated in the Muslim localities? Up to now they are still far apart and do not trust each other and in this atmosphere I think it would be dangerous to relax section 144.

On the 21st January some students misled by some designing people came out with the intention of holding a meeting in the University lawn and then marching in procession to Park Street. There is no objection whatsoever to allowing the holding of meetings in the University lawn; nobody has ever attempted to obstruct them here. They can hold any number of meetings there. But if they are out with the intention of violating section 144 and say that we will march in process whatever happens because they want the ban to be removed, then I am afraid that Government cannot take it lying down. As I have said, these unfortunate students

were misled and were taking the chestnuts out of the fire for other people behind. There was no responsible organisation that encouraged the students taking this up. There was no responsible organisation which encouraged the students to defy section 144 or to come out in a procession, and as a matter of fact the more responsible organisations disapproved subsequently of their action. I therefore sympathise with the students all the more that they should have been made pawns of by persons with ulterior motives and not even for a high political ideal.

Now, Sir, I may place before you some of the incidents which took place and which will show to you that it is entirely incorrect to say that the students were unarmed or that there was no violence committed by them that day. Some members have said that they were "thoroughly unarmed". I will show you, Sir, that it was certainly not the police that hurled acid bottles upon themselves, or brickbatted themselves or had their faces bashed, their feet gashed open or thrown into the tank or had their motor cars burnt. These incidents took place and still there are honourable members who come and say in this House that there was no violence. (Mr. LALIT CHANDRA DAS: Did you hold an inquiry?) But I have looked through the reports. Not only have I read through the reports but I have come across several people, several impartial witnesses of the occurrences on that day, who hold that the police acted with a great deal of discretion and commendable restraint. I endorse that view and I had hoped, indeed I had hoped, that far from moving this motion to attack Government and the Police they should have received your co-operation in the maintenance of order and peace. I assure you that the Government is determined to maintain order and peace. I will not have any more repetition of the murders, loot, riots, arson and carnage which we have seen in recent times and this can only be done if instead of criticising the Government in the manner you are doing, all of you come forward—which you are morally bound to do—and support the Government in their endeavour.

Now, Sir, if I took Mr. Haridas Mazumdar seriously, if I thought that he had a following, if I thought that he was in a position to create public opinion or to induce people to follow him, I might have had to take certain steps when he calls upon Hindus to revolt against Muslims.....

Mr. HARIDAS MAZUMDAR: Not against Muslims but against the Ministry and its imperialism.

The Hon'ble Mr. H. S. SUHRAWARDY: I wish he stopped such talks. I wish to assure hon'ble members here that we are not living in the days of the past. Today we are passing through very serious times and it behoves of all men of goodwill to moderate their language so that the tension is relaxed as much as possible. We are certainly doing our best in this direction.

I may now place before you some of the facts relating to the incidents on that day. I may say that at least 18 police officers were injured on the occasion. The police persuaded the students procession of about 50 to disperse who were coming from Mirzapore Street towards Senate House and the University and a large number of students of that type were assembled inside the University lawn. No one objected to that. The only objection was to the passing in procession. They refused to disperse and formed in a procession and thereafter they came out to the College Street shouting slogans. There was another procession of about 500 students coming down College Street. This procession was joined by the students of the University lawn in front of the Hare School and the Presidency College. The students refused to disperse and sat on the ground. This was followed by showers of brickbats coming from various points from the compounds of Hare School, Presidency College and the Senate. It is regrettable that the students utilised the sacred precincts of the Senate House and the University for the purpose of throwing brickbats on the

police as a result of which several officers, including the Deputy Commissioner, North, were injured. Then a procession of about 1,000 students headed by 25 girls arrived and squatted on the road in front of the Presidency College. Here I must deplore the bringing of these young ladies in all such dangerous demonstrations. They made the position very difficult. These young ladies should not have been brought out—

Mr. LALIT CHANDRA DAS: Look at Lahore and Punjab.

The Hon'ble Mr. H. S. SUHRAWARDY: Their position is quite different from Bengal. Here you are bringing out young girls in their teens whom you are exploiting for creating difficulty. Here you are exploiting the ladies. In the case of Lahore and in other places they are mature ladies who understand, they understand what they are doing. Here they are little girl students who are being pushed forward every time by brave men who are behind them.

Now, Sir, these students refused to be dispersed and 18 arrests were made and there was a *lathi* charge after the girls were removed from the procession. Then the Commissioner of Police arrived there and took charge. He contacted some of the leaders and arranged that the students should come down the road and enter the University compound for the purpose of holding their meeting. He made it quite clear to them that the students will not be allowed to take out a procession. The leaders were unable to control the mob and the students squatted there. Then the Commissioner of Police had no other alternative but to use tear smoke. At 1-55 p.m. or near about 2 p.m. 1 sergeant and about 10 or 12 Inspectors dispersed the students when soda water bottles were hurled on them and when they charged brickbats were showered on them. It was at this period that the sergeant fired two rounds from his revolver which dispersed the crowd and there was no visible casualty. Again there were showers of brickbats and again one more round had to be fired. Then bottles containing acids were thrown on the police. While attempting to approach the University compound the Officer-in-charge of the Hare Street and 1 sergeant were heavily brickbatted and the latter was struck in the face with a brick as a result of which his face was bashed and he fell down unconscious and in order to extricate him the Officer-in-charge fired 2 rounds. Then country-made bombs and crackers were thrown on the police not only from the University buildings but from the South East corner of College Square.....(Mr. LALIT CHANDRA DAS: How many police have been injured?) At about 2-30 p.m. the Commissioner of Police sent for the police force which had been detailed in Wellington Square as it was expected that procession of students from College Square would meet the tramway workers at Wellington Square. The Wellington Square was therefore properly guarded by the police and that meeting of the tramway workers did not materialise. However, Sir, the two sepoy who were being heavily brickbatted fired 5 rounds in self defence. A European gentleman was passing in a car. What happened then? The car was dragged inside Mirzapore Street and set on fire. At 3-30 p.m. Mr. Niharendu Dutta-Mazumdar, M.L.A., arrived on the scene and went inside the University buildings and of course one does not know what took place there. At 5 p.m. Mr. Sarat Chandra Bose arrived there and he spoke to the students.

Mr. BIJOY SINCH NAHAR: May I know how many police were injured?

The Hon'ble Mr. H. S. SUHRAWARDY: 18 police received injuries and were treated.

Mr. BIJOY SINCH NAHAR: How many of them were admitted into the Medical College?

The Hon'ble Mr. H. S. SUHRAWARDY: I do not know. Now, Sir, at that time an attempt was made to snatch away a gun from a sepoy and

then bombs were thrown on the police. They were not small or ordinary bombs without any force of violence. This was followed by severe showers of brickbats from the University compound. This was followed by a severe showering of brickbats from the University compound whereupon the police party opened fire with their revolvers, the two sepoys with their rifles. Fourteen persons suffering from bullet wounds had been admitted. This took place on the road. In the south there was equally a repetition. Brickbats were thrown on the police wounding them and whenever they came back (this is a very long report) they were followed by brickbats. And similarly also girls were utilised as the spearhead of this violence. The core of this trouble was that a batch of persons squatted on the road including 15 to 20 girls. (Mr. LALIT CHANDRA DAS: What about Lahore?) My friend is always talking about Lahore. He ought to realise the difference. The ladies there go separately and get arrested. The men do not go behind them, as is the case here, skulking. The ladies there go separately and court arrests. It is not that the men go behind the ladies and push them forward. So don't go on talking about it. It does not redound to your credit (Mr. LALIT CHANDRA DAS: I know it is going home.) As soon as the procession with small girls in the front rank was stopped the men sat behind them on the road squatting. Then brickbats became particularly vicious and small boys apart from ladies now small boys are being utilised for the purpose. Small boys between the ages of 10 and 15 were the chief culprits. Several at various times advanced to within 4/5 yards of the Deputy Commissioner of Police and threw the brickbats several of which struck the Deputy Commissioner of Police. Several police officers had, by this time, sustained brickbat injuries and so on and so on. It is not necessary for me to place before the House all the various incidents which took place in other parts of the town. But after this, to say that they were an unarmed crowd, that they were non-violent and that the police acted without any provocation would be distinctly unfair. I still maintain, Sir, that the police acted with commendable restraint and I seek the vote of this House in their support.

Mr. BIJOY SINGH NAHAR: Whose report are you making; was it not a police report?

The Hon'ble Mr. H. S. SUHRAWARDY: A much more reliable report than yours. It is the report of those who were on the scene and not the report of those who are speaking here and who never went to the place.

Mr. BIJOY SINGH NAHAR: Then who were the culprits?

Mr. PRESIDENT: Order, order. Now about the right of reply of the mover of the motion. Since I refused the right of reply to Mr. Mahalanobish I have looked up the rules and precedents. I find that our rule is silent on that point and our precedents are not always very consistent. At one stage such right of reply was refused. Then at another stage the right of reply was allowed. But in the Central Legislative Assembly the right of reply has been allowed and also in the Parliament. As our rules are silent on this point we have got to follow the rules regarding substantive motions. Anyone who moves a substantive motion has the right of reply. So I think henceforth I shall allow the movers of adjournment motions to exercise their right of reply and necessarily the Minister in charge who will have to give his reply a second chance of speaking by way of reply. So if the honourable member in this case wants to exercise his right I shall allow him.

Mr. LALIT CHANDRA DAS: Sir, is it necessary to establish our right of reply?

Mr. PRESIDENT: It is not a question of establishing your right. You will be permitted to exercise your right under the rules governing substantive motions.

The Hon'ble Mr. H. S. SUHRAWARDY: The right being assumed it is not necessary for Mr. Das to speak when he has nothing to say.

MR. LALIT CHANDRA DAS: I shall reply to one point.

Mr. President, Sir, the Hon'ble Home Minister has said that the tension in the city has not yet ceased and that Muslims do not go to the Hindu quarters to live in and Hindus do not go to the Muslim quarters for a similar purpose. Sir, I do not hold that view. The whole tension has really passed away. I believe that at present Hindus are free to go to Muslim quarters and Muslims are also free to go to Hindu quarters, for the purpose of living, and I may repeat that I do not see any tension at all existing between Hindus and Muslims now. That I am right and the Hon'ble Home Minister is wrong will be apparent from what he himself has said. For his statement has been to the effect that the Commissioner of Police himself told the students to go and demonstrate before the French Consulate in Park Circus. (The Hon'ble Mr. H. S. SUHRAWARDY: Not in Park Circus, but in Park Street in European quarters.) All right, may not be in Park Circus, but Park Street is very close to Park Circus and the Commissioner knew very well that in reaching the French Consulate the students would have to pass many Muslim quarters. Therefore I do say that there is not the least apprehension among the two communities or tension between them. For otherwise the Commissioner would not have advised the student demonstrators to go over to the French Consulate to Park Street. Then, again, in going over to Park Street to demonstrate before the French Consulate the students would have to go in a body and that of course would have looked like a procession; that is to say, the police would really allow them to demonstrate under certain conditions only. I do not understand why they should have taken that view. In fact what took place is that the student demonstrators were not only Hindus but Hindus and Muslims together, and, Sir, what for did they come together? They came together for the purpose of expressing sympathy with the people of Indo-China in their struggle for freedom. There is nothing communal about it, there is nothing criminal about it, nor is there anything provocative about it—in this matter of the students' demonstration. The British Imperialists knew all that and they knew further that these students were going, these Hindu and Muslim students were going, side by side, hand to hand and heart to heart and that to them spelt danger. That is why, although the Chief Minister has as a matter of fact said that Imperialism had nothing to do with this, he had referred to it only half-heartedly; he knew full well that the British Imperialists did not like this demonstration of Hindu and Muslim students in expressing sympathy for Indo-China's struggle for her liberation for a country inhabited by colonial peoples. I say, therefore, that the continuation of section 144, Indian Penal Code, is wrong and should have been long discontinued. I may cite instances when even under the continuation of this very section 144 there were occasions when this order was suspended, as on the occasion of the Id day and the Idol Immersion Procession. So why this order was not suspended on this occasion also? If the students could be allowed to demonstrate before the French Consulate, why then were they not allowed to demonstrate before the Senate House? I say that the Hon'ble Home Minister in avoiding a public inquiry into the affair which was demanded at many respectable meetings held in several parts of the city, and even within the University Hall, his refusing to institute a public inquiry into the matter only proves that he did not fully and really believe in the reports of the Police which he has read out before the House. If he had really believed the reports he would have surely appointed a public inquiry committee to go into the matter. The students had nothing to hide; they are quite willing that there should be a public inquiry into the affair, and responsible persons, and I believe at one of the meetings the Vice-Chancellor of Calcutta University, wanted the Hon'ble Home Minister to hold a public

nquiry, and if the Hon'ble Home Minister really believed in the reports of the police he would have agreed to hold a public inquiry to scrutinise the details that he read out here. He did not do that. I say, Sir, that the continuation of Section 144 has been a great encroachment upon the civil liberties of the citizen of Calcutta. It has stood in the way of freedom of speech and holding of public meetings which is the elementary right of every citizen. Moreover Government of Bengal should not have continued this section in a city like Calcutta which is the centre of public opinion of Bengal, nay, of whole India. What Calcutta feels today is felt by the people of whole India tomorrow. In justice and fairness it is time that section 144 is withdrawn. With regard to the statement of the Home Minister that he assured that the people of Calcutta want this section to remain I say that if this matter is voted upon by the members of the Legislature, the opinion of the majority will be—the consensus of opinion will be—for the removal of section 144 and this is that he ought to do. Then, Sir, he has not taken any opinion of the Legislature with regard to the withdrawal of this section, and said nothing about it. Another matter in which he has remained very significantly silent is about the arrest of these young men who have been treated wrongly and then arrested wrongly. They should never have been arrested and kept confined. They are still continuing in Jail and it is a double wrong done against these young men. We demand that these persons should be released at once and further I should say that the Government for the sake of honour—and we believe that the Government is honourable—should take into consideration the light heartedness of the students and deal with them in that light. This incident has involved the sad death of two of our young hopefuls and I appeal to Government to be humane and compensate for this loss and pay compensation to their guardians.

The Hon'ble Mr. H. S. SUHRAWARDY: Mr. President, Sir, I wonder if Mr. Lalit Chandra Das lives in Calcutta and knows anything about the carnage which took place in the recent past in Calcutta or the sad memory which is still vibrant in the present atmosphere. I know Mr. Lalit Chandra Das does not receive those petitions I do from Hindus asking for protection so that they may go and live safely in Muslim *mahallas*. I know also of petitions coming to me from Muslims asking for protection so that they may go and live in Hindu *mahallas*. Up till now the Muslim mosques in Hindu *mahallas* are not being used by the Muslims except on Friday prayers because they do not like even now to live in their old habitations. But nobody suggests that Hindus and Muslims are not moving about freely in the localities of each other. I am thankful to God that they are now moving about freely and there is a gradual tendency of restoration of good feeling among them which I hope will be helpful in getting the situation normal and it is for that we are hoping and it is for that we are working and it is this for that I do not wish to disturb section 144. All these talks about demonstration for Viet Nam Day and so and so are really an excuse—the talk about Lenin Day was an excuse—the talk about tramway strike was an excuse just to exploit our young people with some people behind them so that it may be a protest against the existence of section 144.....

(Mr. HARIDAS MAZUMDAR: Who are these people?) You know who these people are? They belong to an organisation that has not condemned—has not deplored that the students have been utilised. Now, Sir, I do not think it is necessary for me to say more. I hope that the honourable members with their sense of responsibility will not do anything which will disturb the efforts that are being made by us to restore normal condition.

MR. PRESIDENT: Order, order. The question before the House is that this Council do adjourn its business to discuss a definite matter of urgent public importance and of recent occurrence, namely, the serious situation arising out of the unprovoked and unwarranted firing and lathi-charge by the police on the peaceful and unarmed students demonstration

on Viet Nam Day the 21st January last, in front of the Senate House, Calcutta University (College Square, Calcutta) resulting in one student killed and 200 other injured of whom 21 received bullet wounds, including some lady students also.

The motion was put and a Division taken with the following result:—

AYES—14.

Mr. Lalit Chandra Das.
Mr. Hemendra Kumar Das.
Mr. Bankim Chandra Dutta.
Mr. Kamini Kumar Dutta.
Mr. Satish Chandra Jana.
Rai Bahadur Brojendra Mohan Maltra.
Mr. Haridas Majumdar.

Mr. Nagendra Nath Mohalanabish.
Mr. Bijoy Singh Nahar.
Rai Bahadur Jogendra Nath Ray.
Mr. Biren Roy.
Mr. Biswanath Roy.
Mr. Patiram Roy.
Mr. Charu Chandra Sanyal.

NOES—34.

Mr. Abdulla-al-Mahmud.
Mr. Nur Ahmed.
Mr. Sultanuddin Ahmed.
Rai Bahadur Dhirendra Lal Barua.
Mr. Reajuddin Bhulya.
Mr. L. P. S. Bourne.
Khan Bahadur Syed Abdur Rasid Chowdhury.
Mr. Moazzem Hssein Chowdhury.
Mr. Abdul Hamid Choudhury.
Khan Bahadur Abdul Latif Chowdhury.
Mr. Syed Fazle Rabbi Chowdhury.
Mr. C. E. Clarke.
Mr. D. J. Cohen, O.B.E.
Mr. E. D. Doyné.
Mrs. Labanyaprobha Dutta.
The Hon'ble Mr. Abdul Gofran.
Mr. A. M. Shahoodul Haque.

Mr. Gerald Joseph Keeman Hook.
The Hon'ble Mr. Saiyed Muazzamuddin Hosain.
Mr. Lafafat Hossain.
Alhadj Yar Ali Khan.
Mr. Mobarak Ali Khan.
Mr. Abdul Latiff.
Mr. Syed Abdul Majid.
Mr. George Morgan, C.I.E.
Khan Bahadur Ghyasuddin Pathan.
Khan Bahadur Mukhlesur Rahman.
Mr. Abdul Rashid.
Mr. Amulyadhane Roy.
Miss Ethel Robertson, C.S.P.
Dr. Kasiruddin Talukdar.
Mr. Md. Taufiq.
Khan Sahib Moulvi Wahiduzzaman.
Haji Md. Yusuf.

Mr. PRESIDENT: Order, order. The House has divided—for the motion 14; against the motion 34. The motion is therefore lost.

GOVERNMENT BILLS.

The Bengal Non-Agricultural Tenancy (Temporary Provisions) Extending Bill, 1947.

The Hon'ble Mr. FAZLUR RAHMAN: Sir, with your permission I beg to move that the Bengal Non-Agricultural Tenancy (Temporary Provisions) Extending Bill, 1947, be taken into consideration.

Sir, this is a very small measure; it seeks to extend by one year the term of the Bengal Non-Agricultural (Temporary Provisions) Act, 1940, which was enacted as a temporary measure, pending the permanent enactment of non-agricultural tenancy legislation. The idea is that a comprehensive Bill on the subject had been introduced into the Assembly and referred to a Select Committee. The Select Committee has now completely reached the end of its deliberations and its report is expected to be submitted at the end of this month. But as it may not be possible to pass the Bill through both Houses of the Legislature during the current session, hence there has been this necessity felt to extend the term of the existing Act, which is temporary. I may also inform the House that the present Temporary Act is due to expire on the 29th of May. Hence I hope the House will agree to this motion.

Mr. PRESIDENT: Motion moved that the Bengal Non-Agricultural Tenancy (Temporary Provisions) Extending Bill, 1947, be taken into consideration.

Mr. NAGENDRA NATH MAHALANOBISH: I beg to move that the Bill be circulated for eliciting opinion thereon by the 28th May 1947.

Sir, the Bill whose life is going to be extended again by one year was enacted in the year 1940. The idea was that within two years of its first enactment Government would put forward a comprehensive Bill dealing with the rights of non-agricultural tenants. Since then the life of the Bill was extended to several occasions, if I remember aright, for three successive terms, and on the last two occasions the House was assured by the Hon'ble Minister in charge at the time that he would not ask for any further extension of the Bill and that he would bring before the House and pass a comprehensive Bill. Sir, we may be assured now that a Bill has been introduced in the Assembly and that the Select Committee report is being awaited. But it is clear from the introduction of this particular Bill that the Government do not propose to have that Bill passed by the two chambers of the Legislature within this particular session and before the 29th of May. As you are aware owing to the existence of this Bill in the Statute Book the rights of the tenants are remaining in a nebulous condition. Nobody knows what right the tenants possess and what right the landlords have. Litigation, perhaps numbering over 40,000, are pending in the numerous courts in Bengal and there is so much uncertainty with regard to the non-agricultural tenants right and people do not know where they stand. People who have taken land for building purposes are not able to start their building, landlords cannot take possession of the land which they want with the result that there are utter confusion in the minds of the landlords as well as the tenants. In this way the Government of Bengal has taken seven long years' time and public opinion should be sought on the question whether any further extension of time should or should not be allowed. If really Government think that the comprehensive Bill has progressed so much regard being had to the fact that the Select Committee report is going to be placed before the Assembly, I submit that this Bill can wait till 29th May and that in the meantime if the Select Committee report is ready or is going to be ready very soon there is no reason why we should not wait for the comprehensive Bill and why this temporary Bill should have another year's extension. The vital question is that the Landlords do not know what are their rights and the tenants also do not know what is their position the landlords do not know whether they have right of ejection and if so under what circumstances. These things must be settled and settled finally very soon and we on this side of the House and the public at large are not going to accept this shilly shallying which Government are doing. I therefore ask the House to accept my amendment and ask the Government to present the comprehensive Bill as soon as possible so that it may be passed by both Houses this session.

Mr. PRESIDENT: Amendment moved that the Bill be circulated for eliciting opinion thereon by the 28th May 1947.

The Hon'ble Mr. SYED MUAZZAMUDDIN HOSAIN: Sir, I had promised to bring the Bill before the House this session and in accordance with that promise the Bill was submitted to the Select Committee of the other House and I understand that it has got through the Select Committee and it is now ready for presentation before the other House very soon. So there is no point in putting forward this amendment for circulation of this temporary Bill. As a matter of fact it is only for the purpose of safeguarding the rights of the tenants that we are asking for this extension, because the passage of the comprehensive Bill will take some time. It will have to be submitted to the Assembly which will have to consider the Bill clause by clause and pass it and after that it has to come to our House. It may not be possible, for the Bill to pass through both the Houses this session and so it is necessary to extend the term of the Temporary Bill as a precautionary measure. Sir, I do not understand what will be gained by my honourable friends over there by moving this motion. He says that the rights of the non-agricultural tenants are very shadowy. Everybody knows that. And therefore we want to pass the comprehensive legislation.

In order that the comprehensive legislation may not be delayed, we must make sure that the term of the temporary Bill does not expire and we may not have to start again on a new slate. In this Bill we have provided for one year's extension only. We may not require one year. We may be able to get it through both the Houses even before expiry of the term of the Temporary Bill, but to be on the safe side we have provided for the extension. I think the amendment moved by the Opposition is not at all necessary.

Mr. PRESIDENT: The question before the House is that the Bill be circulated for the purpose of eliciting opinion thereon by the 28th May 1947.

The motion was put and lost.

Mr. PRESIDENT: The question before the House is that the Bengal Non-Agricultural Tenancy (Temporary Provisions) Extending Bill, 1947, be taken into consideration.

The motion was put and agreed to.

Clause 1.

Mr. PRESIDENT: Clause 1 stand part of the Bill.

Mr. Nur Ahmed, the last date for receiving amendments was Friday last and your amendment has been received by the Department this morning. So your amendment cannot be admitted.

Mr. NUR AHMED: Sir, I do not like to move my amendment.

Mr. PRESIDENT: The question before the House is that clause 1 stand part of the Bill.

The motion was put and agreed to.

Clause 2.

Mr. PRESIDENT: Clause 2 stand part of the Bill.

The question before the House is that clause 2 stand part of the Bill.

The motion was put and agreed to.

Clause 3.

Mr. PRESIDENT: Clause 3 stand part of the Bill.

The question before the House is that clause 3 stand part of the Bill.

The motion was put and agreed to.

Title and the Preamble.

Mr. PRESIDENT: The Title and the Preamble be added to the Bill.

The question before the House is that the Title and the Preamble be added to the Bill.

The motion was put and agreed to.

The Hon'ble Mr. FAZLUR RAHMAN: Sir, I beg to move that the Bengal Non-Agricultural Tenancy (Temporary Provisions) Extending Bill, 1947, as settled in the Council be passed.

Mr. PRESIDENT: Motion moved that the Bill as settled in the Council be passed.

The question before the House is that the Bengal Non-Agricultural Tenancy (Temporary Provisions) Extending Bill, 1947, as settled in the Council be passed.

The motion was put and agreed to.

The Public Demands Recovery (Amendment) Bill, 1947.

Mr. PRESIDENT: The Public Demands Recovery (Amendment) Bill, 1947, is the next item on the agenda. I understand that this Bill was received by the Council Department only this morning and the department had no opportunity of examining the provisions of the Bill. So I would request the Hon'ble Minister to take it up later.

The Hon'ble Mr. FAZLUR RAHMAN: May I do so tomorrow, Sir?

Mr. PRESIDENT: Yes.

The House stands adjourned till 2-15 p.m. tomorrow.

Adjournment.

The Council then adjourned till 2-15 p.m. on Wednesday the 12th February, 1947.

Members absent.

The following members were absent from the meeting held on the 11th February, 1947:—

- (1) Khan Bahadur Sheikh Fazal Ellahi,
- (2) Mr. Mungturam Jaipuria,
- (3) Mr. Humayun Z. A. Kabir,
- (4) Mr. T. B. Nimmo,
- (5) Dr. Kumud Sankar Ray, and
- (6) Mr. Satish Chandra Sen,

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1947—No. 5.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Wednesday, the 12th February 1947, at 2-10 p.m. being the fifth day of the First Session of 1947, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BHOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

QUESTIONS AND ANSWERS

Strike in the Imperial Bank of India.

42. Mr. NACENDRA NATH MAHALANOBISH: (a) Will the Hon'ble Minister in charge of the Finance Department be pleased to state if he is aware that all the branches of the Imperial Bank of India working in this Province have ceased to function owing to the strike of its staff?

(b) If so, have the Government taken any steps to provide facilities for the public to deposit money due on account of taxes payable by them to Government or other monies required to be deposited under Civil Court order and decrees?

(c) If not, do the Government propose to take immediate steps to provide such facilities?

Mr. ABDUR RASHID, Parliamentary Secretary (on behalf of Minister in charge of the Finance Department): (a) to (c) The honourable member is referred to the reply already given to a similar question by him, viz., No. 16 of the 3rd February, 1947.

Mr. NACENDRA NATH MAHALANOBISH: In this House or in the other House—in which House?

Mr. ABDUR RASHID: It has already been replied to.

Civil Court for Kalimpong and Kurseong.

43. Mr. NACENDRA NATH MAHALANOBISH: (a) Will the Hon'ble Minister in charge of the Judicial Department be pleased to state if he is aware that the litigant public at Kalimpong and Kurseong in the district of Darjeeling and Alipur Duar in the district of Jalpaiguri find it extremely inconvenient to have their civil cases tried by Magistrates not sufficiently acquainted with Civil Law and Procedure?

(b) If so, will the Government be pleased to consider the propriety of appointing Munsifs to dispose of the civil cases in those places?

MINISTER in charge of the JUDICIAL DEPARTMENT (the Hon'ble Mr. Nagendra Narayan Ray): (a) and (b) Yes.

Mr. NACENDRA NATH MAHALANOBISH: Will the Hon'ble Minister please state if he has got any idea as to from which date this will be given effect to?

Mr. NACENDRA NARAYAN RAY: Sir, the question of the appointment of munsifs in those stations will depend on three things, firstly, the number of suits in each station, secondly, the availability of munsifs and thirdly, the accommodation of court rooms, and their residence.

Mr. ABDULLAH-AL-MAHMUD: From the criteria given by the Hon'ble Minister, does he think that the stationing of a munsif in the stations of Jalpaiguri and Kalimpong is necessary now?

Mr. NAGENDRA NARAYAN RAY: Will the hon'ble member please repeat his question?

Mr. ABDULLAH-AL-MAHMUD: My question is this: Does the present figure of suits justify the appointment of a munsif in those stations?

Mr. NAGENDRA NARAYAN RAY: No.

Mr. ABDULLAH-AL-MAHMUD: Then how does he say "yes" in the printed answer?

Mr. NAGENDRA NARAYAN RAY: As I have already said, Sir, the matter will depend on these three things; if these three conditions are satisfied, then they will be posted.

Mr. HAMIDUL HUQ CHOWDHURY: Are the conditions disjunctive or conjunctive? Each of the conditions is to be fulfilled or any one of them? Suppose one condition is fulfilled and there are a large number of civil cases, will Government accept it in spite of the fact that there is no munsif available?

The Hon'ble Mr. NAGENDRA NARAYAN RAY: Unless the munsifs are available how are they to be appointed?

Mr. HAMIDUL HUQ CHOWDHURY: Suppose there are a number of munsifs available but there are insufficient cases?

(No answer.)

Mr. ABDULLAH-AL-MAHMUD: With regard to question (b) "if so, will the Government be pleased to consider the propriety of appointing munsifs to dispose of the civil cases in those places", the reply is "yes". Now the question is have the Government considered the propriety of appointing munsifs from the criterions that the Hon'ble Minister has just now suggested in his reply: Does it fulfil the condition?

The Hon'ble Mr. NAGENDRA NARAYAN RAY: The answer is in the affirmative.

Mr. ABDULLAH-AL-MAHMUD: That means that we are to understand that the Government have examined the question and have come to the conclusion that there is sufficient number of civil cases and that there is necessity of appointing the munsifs. Am I to understand this?

The Hon'ble Mr. NAGENDRA NARAYAN RAY: I have already replied that when these conditions are fulfilled—

Mr. PRESIDENT: What are those conditions?

The Hon'ble Mr. NAGENDRA NARAYAN RAY: Firstly, the number of suits in each station; secondly, availability of munsifs and thirdly, accommodation of court rooms.

Mr. PRESIDENT: Mr. Abdullah-al-Mahmud's question is—are Government satisfied as regards the number of suits.

The Hon'ble Mr. NAGENDRA NARAYAN RAY: I want notice.

Mr. SULTANUDDIN AHMED: What is meant by availability of munsifs? Does the Government mean that there are not sufficient number of officers to be transferred or does the Hon'ble Minister want fresh men to be appointed and that there are no candidates? In reply to a question the Hon'ble Minister said that one of the factors for which this was not given

effect to is that munsifs are not available. Does the Hon'ble Minister mean to say that sufficient number of munsifs are not there to be transferred or although Government wanted to appoint munsifs, there are no candidates available?

The Hon'ble Mr. NAGENDRA NARAYAN RAY: Government will appoint a fresh batch of munsifs soon. At present the number is not sufficient.

Mr. HAMIDUL HUQ CHOWDHURY: The question was that great difficulty is felt by people as regards disposal of civil cases: the answer is "yes". Then the Hon'ble Minister in reply to a supplementary question said that it depends entirely upon three factors mentioned before—

Mr. PRESIDENT: Order, order. I think the Hon'ble Minister has fully replied to the question. He has said that he wants fresh notice. As regards the number of civil suits, the Government have not yet examined whether there are sufficient number of civil suits in the district to justify the posting of a munsif in the district.

Bengal Markets Regulation Bill.

45. Mr. NUR AHMED: (a) Will the Hon'ble Minister in charge of the Department of Agriculture, Forests and Fisheries be pleased to state whether it is a fact that a Bill under the caption Bengal Markets Regulation Bill was passed by the Bengal Legislative Assembly at the time of First League Coalition Ministry formed in 1937 and was referred to a Select Committee in the then Bengal Legislative Council?

(b) If so, do the Government of Bengal propose to proceed with the said Bill or similar Bill with a view to making it a law?

(c) If not, why not?

Mr. ABDUR RASHID, Parliamentary Secretary (on behalf of the Minister in charge of the Department of Agriculture, Forests and Fisheries): (a) and (b) Yes.

(c) Does not arise.

Mr. SULTANUDDIN AHMED: Why there is so much delay in giving effect to this Bill. It was introduced in 1937 and we are in 1947 now?

Mr. ABDUR RASHID: The delay is due to the fact that this Bill was passed by the Bengal Legislative Assembly and then it was referred to the Bengal Legislative Council where it was referred to the Select Committee. The report of the Select Committee was not ready when section 93 came into operation.

Mr. ABDULLAH-AL-MAHMUD: Sir, the answer (b) says "Yes". "Yes" relate to which part of the question? Does the Parliamentary Secretary intend to say that the said Bill will be introduced or a similarly drafted Bill will be introduced?

Mr. ABDUR RASHID: A similarly drafted Bill will be introduced. That is a new Bill altogether.

Nationalisation of the utility services.

46. Mr. NUR AHMED: (a) Will the Hon'ble Minister in charge of the Department of Commerce, Labour and Industries be pleased to state if the Government of Bengal propose to nationalise the utility services, such as, (i) supply of electricity, (ii) public bus, and tram services, etc.?

(b) If so, what steps have been taken by the Government to achieve these purposes?

(c) If not, why not?

MINISTER in charge of the DEPARTMENT of COMMERCE, LABOUR AND INDUSTRIES (the Hon'ble Mr. Shamsuddin Ahmed): (a)(i) The Provincial Government have already accepted the policy of nationalisation of the electricity supply industry and propose to acquire electrical undertakings in the Province as their option of purchase occurs.

(ii) Regarding bus and tram services a scheme for the formation of Calcutta Passenger Transport Board to take over all passenger transport services including the tramways has been worked out. The scheme involves legislation, proposals for which are under consideration.

(b) The option of purchase in respect of the Barrackpore Electric Supply undertaking falls due on the 2nd December, 1947, and notice has already been served on the licensee intimating Government's intention to exercise the option. It has also been decided that the option of purchase of the Calcutta and District Consolidated Electric License, 1946, should be exercised on 1st January, 1950, and that the necessary financial implications arising therefrom be examined. Options of purchase of other undertakings as they occur, will normally be exercised. Government have already accepted a scheme for the electrification of the rural area lying on the north and north-west of Calcutta within a triangle formed by Gouripur, Burdwan and Krishnagar which has been put into operation as a State enterprise.

Regarding bus and tram services see answer to clause (a)(ii) above.

(c) Does not arise.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state whether a notice has been served on the licensee intimating that Government intends to exercise the option with respect of the purchase of the Calcutta and District Consolidated Electric License, 1946?

The Hon'ble Mr. SHAMSUDDIN AHMED: It has been stated in the answer that the option of purchase of the Calcutta and District Consolidated Electric License, 1946, will be exercised. The Cabinet has decided that the option will be exercised. There are other complications. We have to find out a large amount of money, for which the Government of India will have to be approached and so on and so forth.

Mr. LALIT CHANDRA DAS: What will be the time for serving the notice?

The Hon'ble Mr. SHAMSUDDIN AHMED: At the end of 1947—this year.

Mr. HAMIDUL HUQ CHOWDHURY: Will the Hon'ble Minister be pleased to state what actual steps have been taken for the purpose of ascertaining the valuation of these undertakings?

The Hon'ble Mr. SHAMSUDDIN AHMED: Our expert and other officers met and they went into the whole thing. This took place under section 93 regime and we had to accept that position.

Mr. HAMIDUL HUQ CHOWDHURY: Is it correct to say that to find out the actual valuation a formula has been worked out but that the actual figure work is a tremendous thing and will require the services at least of a special committee of experts and if the latter work is not undertaken in proper time this option of purchase could not be exercised? It is necessary to ascertain the complicated figures of actual costing. The formula has been worked out but the actual costing requires examination which may involve the appointment of a committee of experts as was done in England.

Mr. HARIDAS MAJUMDAR: Regarding bus and tram services, it is stated in the printed answer, that a scheme for the formation of a Calcutta Passenger Transport Board has been worked out. Now will the Hon'ble Minister please explain very shortly the scheme that has been formulated?

The Hon'ble Mr. SHAMSUDDIN AHMED: The scheme is under consideration. I am not in a position to tell you just now as to what shape it will take.

Mr. ABDULLAH-AL-MAHMUD: Will the Hon'ble Minister be pleased to state whether the principle of nationalisation of the transport services had been accepted by the Government?

The Hon'ble Mr. SHAMSUDDIN AHMED: That is under consideration.

Mr. LALIT CHANDRA DAS: If you fail to exercise the option and if you fail to take up the Calcutta Electric Supply Corporation in 1950, when is the next period you get for the exercise of your option?

The Hon'ble Mr. SHAMSUDDIN AHMED: That will be about 15 to 20 years after. However I can tell this House that Government have decided that the option of purchase will be exercised in 1950.

Mr. HAMIDUL HUQ CHOWDHURY: With regard to the bus and tram services, will the Hon'ble Minister be pleased to state when he will be making a statement regarding the Government's accepted policy?

The Hon'ble Mr. SHAMSUDDIN AHMED: In a short time.

Mr. LALIT CHANDRA DAS: Is it not a fact that during Governor Casey's time an estimate was actually drawn up as to what amount of money will be required for the purpose of acquiring the Calcutta Electric Supply Corporation in 1950?

The Hon'ble Mr. SHAMSUDDIN AHMED: Yes, Sir, the amount was near about 25 crores during that regime and over and above that a building will have to be built possibly at a cost of 5 crores of rupees. Now that thing has already been examined and the Government will have to take it up if the electricity undertaking is to be taken over and Government are prepared to take it up to have that under consideration and grant and establish the Southern section of the undertaking.

Mr. HAMIDUL HUQ CHOWDHURY: In answer (a) (ii) in the last sentence, it is stated "the scheme involves legislation, proposals for which are under consideration". Does not this sentence give the meaning that Government have already accepted the principle of nationalisation and has come to the stage of legislating?

The Hon'ble Mr. SHAMSUDDIN AHMED: The scheme itself is under consideration.

Mr. HAMIDUL HUQ CHOWDHURY: That cannot be the meaning of that sentence. The noun "proposals" refers to "legislation" and not "scheme". So it is apparent that the Government have already accepted the policy of acquiring these transport services.

Mr. HAMIDUL HUQ CHOWDHURY: Please see the answer. "The scheme involves legislation, proposals for which are under consideration". It is clear from this that "proposals" for "legislation" are under consideration. Which governs what, legislation or your policy itself?

The Hon'ble Mr. SHAMSUDDIN AHMED: Both.

Mr. HAMIDUL HUQ CHOWDHURY: Will the Hon'ble Minister be pleased to state whether he will be able to make an announcement before this House in the course of the session as regards Government's policy regarding these bus and tram services?

The Hon'ble Mr. SHAMSUDDIN AHMED: I hope to

Mr. HAMIDUL HUQ CHOWDHURY: In view of the statement made by the Hon'ble Minister that Government have accepted the policy of nationalisation of the electricity supply industry, will he be pleased to state if it is a fact that only recently Government have given sanction for a certain rural electrification scheme to a private company?

The Hon'ble Mr. SHAMSUDDIN AHMED: That is a different thing altogether. But that is the general position with regard to the services. So far as the electricity services in the province are concerned, Government are trying to undertake or inaugurate the grid system. As I have already indicated, there is the North Calcutta (Rural) Electricity Scheme which goes from Gourepore and then goes on *via* Ranaghat and Krishnagar and Kalna and Burdwan and then comes back. There is another scheme which runs from Chittagong and goes right up to Noakhali and then to Mymensingh and comes to Dacca and to Chandpur. As regards the two others, one is from Sealdah to Khulna, another from Sealdah to Budge Budge and Diamond Harbour and these are places where Government will run their own concerns. There are ten or eleven cases where small places have been asked to electrify themselves with the aid of companies or persons. Orders have been issued and a Cabinet sub-committee has been formed to decide whether in small places the grid system or any other system for individual places will be allowed or not. And orders have been issued.

Mr. HAMIDUL HUQ CHOWDHURY: The question that I wanted to ask is this: Government while considering applications from private companies have established electrical concerns in rural areas and have decided to grant licenses to private concerns before they have decided to establish an Electricity Board for the province. Have you granted any license to any new concerns which are private?

The Hon'ble Mr. SHAMSUDDIN AHMED: I have already explained the position clearly. Our Special Officer, Col. Evans, has been looking into these things and he has placed before the Cabinet certain proposals; these proposals are that there are hundreds of applications from different places for issue of licenses to individuals and concerns. The Special Officer has accepted the principle of the grid system and placed it before the Government. The North Calcutta Rural Scheme has already been accepted and will probably function from the next month, I hope. So far as smaller undertakings are concerned as was arranged we granted only preliminary licenses, ten or eleven in number. After that we decided in the Cabinet that the whole thing should be considered. Applications from various places have arrived and are pending consideration by Government. But we have not yet issued orders and we are considering the matter and until it has been settled licenses to private concerns will not be issued. There will be an agreement that when Government will be ready to run a scheme and will be in a position to supply electricity at cheap rates these companies will have to give up their licenses.

Mr. SULTANUDDIN AHMED: Why is it that Bogra has been omitted as well as Kushtia from the grid system—

Hon'ble Mr. SHAMSUDDIN AHMED: I have already said— (interruption). Please listen to me. The grid system, as I have already said, so far as North Calcutta Rural Electricity Scheme is concerned, it does not go up to Kushtia and Chaudanga and goes from Gouripore, Ranaghat and Krishnagar *via* Kalna and then to Burdwan and comes back and the other one goes up to Khulna and the two other to Burdwan and other places. Only preliminary licenses have been issued for 10 places and there are still 50 applications for license pending but no orders have been passed on them. The whole matter will be considered by the Cabinet very soon and a sub-committee will be appointed for a final settlement.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, this is not a new question. But what is the reason that Government have been simultaneously dealing with private license holders and granting them licenses when they are proposing to take up the whole electricity policy before they consider and decide the entire position?

The Hon'ble Mr. SHAMSUDDIN AHMED: The proposal was submitted by Special Officer; it is now under consideration as to what procedure should be followed.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, with regard to the 9 or 10 cases for which licenses have been issued, was there any imperative necessity to grant these licenses—.

Mr. PRESIDENT: May I make a suggestion—why don't you make a comprehensive statement with regard to the matter, Mr. Shamsuddin?

The Hon'ble Mr. SHAMSUDDIN AHMED: All right, Sir.

Mr. PRESIDENT: When do you propose to do so?

The Hon'ble Mr. SHAMSUDDIN AHMED: Next week.

Recommendations of the Bengal Weights and Measures Enquiry Committee.

47. Mr. NUR AHMED: (a) Will the Hon'ble Minister in charge of the Department of Commerce, Labour and Industries be pleased to state whether the Bengal Weights and Measures Enquiry Committee appointed by the last Ministry has submitted its final report?

(b) If so, on what date?

(c) Do the Government propose to enact any legislation in Bengal embodying the recommendations of the said Enquiry Committee? If so, when?

(d) Has the report of the said Enquiry Committee been published by the Government of Bengal?

(e) If not, why not?

The Hon'ble Mr. SHAMSUDDIN AHMED: (a) Yes.

(b) 4th December, 1944.

(c) Yes. A Bill is proposed to be introduced in the Legislature in session after the next.

(d) No.

(e) The report was so long under examination and hence it was not published. I, however, hope to publish it very shortly.

Circulation of Order Papers.

Mr. KAMINI KUMAR DUTTA: May I submit a matter? Today we have not received the Order Paper and we do not know what was the work before the House.

Mr. PRESIDENT: There was some difficulty. The Order Paper was received only this morning and it was despatched by post. Naturally it has not reached the honourable members.

The Hon'ble Mr. MOHAMMED ALI: Sir, we sent it yesterday.

Mr. PRESIDENT: That is why they have not reached the honourable members because it was sent by post. The previous arrangement of distributing Order Papers through cycle peons should be revived.

The Hon'ble Mr. MOHAMMED ALI: We shall see that Order Paper and other urgent papers are circulated by special messengers.

Mr. PRESIDENT: I think that will serve the purpose.

Laying of the Bengal Civil Pioneer Force Ordinance, 1947.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I beg to lay on the table the Bengal Civil Pioneer Force Ordinance, 1947.

Mr. KAMINI KUMAR DUTTA: Sir, I rise on a point of privilege of the House. Sir, may I know when the Ordinance was promulgated. So far as our information goes, it was promulgated just on the day preceding the first sitting of the House, namely, on the 2nd February, 1947. The House was going to sit on the 3rd February, 1947, the next day. No doubt section 88 lays down that the Governor has the power to promulgate an Ordinance during recess of the Legislature but when the Legislature was going to sit the next day, may not the House complain that by promulgating this Ordinance the power of the House has been taken away and the House has every right to question the abrogation of the privilege of the House.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, it appears that it was necessary that the Ordinance should be promulgated so that it may have some force, it may run for some time before it is made into law. The Ordinance was promulgated for the purpose of continuing the provisions of the Government of India Ordinance. If we had not produced this, I believe that the Bengal Civil Pioneer Force would have been illegal and we might not have been able to meet their expenditure. The position was that the Ordinance could have been promulgated a few days earlier but for the fact that on account of His Excellency's previous engagement, His Excellency could not return to Calcutta before the 2nd February and His Excellency signed it on the very day of his arrival in Calcutta.

Mr. LALIT CHANDRA DAS: When the old Ordinance expired?

The Hon'ble Mr. H. S. SUHRAWARDY: That is more than I know, Sir.

Mr. KAMINI KUMAR DUTTA: The Hon'ble Minister says that he cannot say when the Ordinance expired. In that case the question of the urgency of the Ordinance just on the day previous to the first sitting of the House does not arise and the grievance of the House still remains.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I am just now told that it had already expired and the matter became more urgent. It expired prior to the 2nd February.

GOVERNMENT BILLS.**The Bengal Public Demands Recovery (Amendment) Bill, 1947.**

The Hon'ble Mr. FAZLUR RAHMAN: Sir, I beg to introduce the Bengal Public Demands Recovery (Amendment) Bill, 1947, give notice that I shall move at short notice that the said Bill be taken into consideration and passed as settled in the Council.

Sir, it is a one-clause Bill.

Mr. PRESIDENT: The amendments may be put in by 3 p.m. on Friday, the 14th.

Mr. PRESIDENT: The next item is item No. 4, the Bengal Tenancy (Amendment) Bill, 1947.

Mr. ABDULLAH-AL-MAHMUD: Sir, as regards the announcement made by you just now regarding submission of amendments to the previous Bill, notice may kindly be issued from your office to that effect.

Mr. PRESIDENT: That will be done as usual, I am sure.

Mr. KAMINI KUMAR DUTTA: As yet we have not received the day's order Paper.

Mr. PRESIDENT: It has been circulated, I believe. (SEVERAL MEMBERS: No, No.) They have been posted but did not reach you, I believe. They will be circulated now.

The Bengal Tenancy (Amendment) Bill, 1947.

The Hon'ble Mr. FAZLUR RAHAMAN: Sir, with your permission I beg to move that the Bengal Tenancy (Amendment) Bill, 1947, be taken into consideration.

The Bill has been framed with a view to—

- (1) abolishing landlords' fees in respect of transfer of permanent tenures and holdings at fixed rates,
- (2) relieving the Collectorates of the work of serving notices of transfer of tenures and holdings, and
- (3) extending the period of suspension of the provisions for enhancement of rents so far as they relate to rents of *raiyyats* and under-*raiyyats* for a further period of 5 years with effect from the 27th August, 1947, on which date the existing section 75A will cease to operate.

Landlords' fees for transfer of permanent tenures and holdings at fixed rates are payable at the rate of 2 per cent. on the annual rent subject to a maximum amount of Rs. 100 and the minimum of Re. 1. In most cases, the amounts are very small and they are payable to a large number of superior landlords. The labour and expense involved in the Collectorates under the existing procedure for the transmission of these fees are cut off in proportion to the value of the fees with the result that the bulk of it is actually forfeited to Government and the landlords do not consider it worthwhile to withdraw it. It is for this reason and as a matter of administrative reform of the Collectorates that the Rowlands Committee recommended the abolition of these fees.

The Committee also recommended that the Collectorates should be relieved of serving notices of transfer of all *raiyyati* holdings which has placed an unnecessary burden on the Collectorate staff. They considered that in the case of transfer in such cases the interest of the transferee to get his name mutated in the landlords' *sherista* was so great that it was unnecessary to make any special provision in the Act on that account. Government however consider that as the notification of these transfers is a matter of considerable importance to the landlords as well as tenants, their interests are likely to be adversely affected if the official recognition to the service of transfer notices is taken away altogether. Provisions have accordingly been made in the Bill for the service of such notices direct through the Sub-registrars' offices and the civil courts, as the case may be, the Collectorates being relieved of the work.

As regards the provision in the Bill regarding further extension of the period of suspension of the provisions for enhancement of rent, Government consider that any enhancement of rents of *raiyyats* and under-*raiyyats* at the present level of high prices which have not yet stabilised will cause them great hardship.

With these words, Sir, I beg to move for consideration of the Bill.

Mr. PRESIDENT: Motion moved that the Bengal Tenancy (Amendment) Bill, 1947, be taken into consideration.

The question before the House is that the Bengal Tenancy Amendment Bill, 1947 be taken into consideration.

The question was put and agreed to.

Clause 1.

Mr. PRESIDENT: Clause 1 stand part of the Bill.

The question before the House is that clause 1 stand part of the Bill.

The question was put and agreed to.

Clause 2.

Mr. PRESIDENT: Clause 2 stand part of the Bill.

The question before the House is that clause 2 stand part of the Bill.

The question was put and agreed to.

Clause 3.

Mr. PRESIDENT: Clause 3 stand part of the Bill.

The question before the House is that clause 3 stand part of the Bill.

The question was put and agreed to.

Clause 4.

Mr. PRESIDENT: Clause 4 stand part of the Bill.

The question before the House is that clause 4 stand part of the Bill.

The question was put and agreed to.

Clause 5.

Mr. PRESIDENT: Clause 5 stand part of the Bill.

The question before the House is that clause 5 stand part of the Bill.

The question was put and agreed to.

Clause 6.

Mr. PRESIDENT: Clause 6 stand part of the Bill.

The question before the House is that clause 6 stand part of the Bill.

The question was put and agreed to.

Clause 7.

Mr. PRESIDENT: Clause 7 stand part of the Bill.

Mr. G. MORGAN: I beg to move that in sub-clause (1) of clause 7 of the Bill, for the words commencing with "and all such provisions" and ending with "the twenty-seventh day of August, 1947" the following be substituted, namely:—

"Provided that for a further period of five years with effect from the twenty-seventh day of August, 1947, all such provisions relating to enhancement of rent of a *raiyyat* or an under-*raiyyat* shall take effect subject to the following restrictions:—

- (a) That in the case of an enhancement on the ground that there has been a rise in the average local prices of staple food crops during the currency of the present rent, the amount of the enhancement shall not exceed twenty *per centum* of the present rent; and
- (b) That in the case of an enhancement on the ground of a landlord's improvement the amount of the enhancement shall not exceed ten *per centum* of the amount expended on the improvement".

Sir, we do not like this Bill very much but one or two points I would like to make in my amendment. I would like to mention that the proposal to amend section 75A will, however, have far-reaching effects on all landlords; primarily it appears to me to be solely for the purpose of preventing landlords and others from increasing their annual demand, thus affecting the agricultural income-tax and compensation payable for rent-receivers' rights on the abolition of the zamindari system to effect which Government are already committed.

Government have also stated their intention of keeping the price of agricultural produce up to a level which will enable the cultivator to obtain a reasonable profit from his land. The Explanation in the Statement of Objects and Reasons is therefore feeble in the extreme. Government evidently forgot when they talked of food staples that *raiyyats* were the people who produced the food and were getting 400 per cent. of the pre-war price. So that they could pay and they were in a position to pay a higher price for other goods. But Sir, landlords are amongst the very few people whose annual income did not increase during the war period although the high price obtainable for produce enabled landlords to collect arrears of rent to support the rise in the cost of living. These arrears have now been practically cleared and in view of Government's intention to maintain high prices for agricultural produce, it is very unfair that the landlord should not himself reap any benefit from the enhanced income which the tenant is deriving from land now that the tenants have wiped off their arrears. As this Bill proposes that landlords will have to continue to do without enhancement as we have been doing for the last ten years. Accordingly if the zamindari system is to be abolished, it would seem that zamindars will never again enjoy the right to enhanced rent regardless of the extent of the profit the tenants may make from cultivation.

Now that the arrears have been cleared, there seems no reason why the tenant should not be asked to pay more towards the landlord's much increased costs, possibly Government have in mind an intention to put forward such a very reasonable view only at such time as they themselves have become direct landlords and in the meantime will consider the view as undemocratic and not one which in the meantime will be appreciated by the Legislature,—they look at it now as undemocratic and it will be democratic when they become landlords themselves. It seems to me, Sir, that it is absurd to remain for 5 years under the present condition and we can only agree to that with the proviso I have suggested. The point is that in every other provision landlords are given 10 per cent. or 20 per cent. of the increase in the profit of the tenants and my point is that when the tenant gets the benefit of the increased cost of his production and when he is able to stand up to the higher prices—the inflation prices—and when he gets very much higher prices for his food crops, there is no reason why the landlord should be deprived of a share of this increase. The pre-war price of paddy was Rs. 1-12 or Rs. 2 per maund. But what is it now? It is nothing less than between Rs. 7 or Rs. 8 per maund. Surely that puts the *raiyyat* in a position to pay a little higher rent to his landlord. Government merely base their reasoning in bringing this Bill on the high prices of foodstuff. But they do not take into consideration the fact that on account of the high cost of his food grains this money is also in the hands of the *raiyyat* to meet this position. In the circumstances I would ask the House to accept my amendment.

Mr. PRESIDENT: Amendment moved that in sub-clause (I) of clause 7 of the Bill, for the words commencing with “and all such provisions” and ending with “the twenty-seventh day of August, 1947” the following be substituted, namely:—

“Provided that for a further period of five years with effect from the twenty-seventh day of August, 1947, all such provisions relating

to enhancement of rent of a *raiyat* or an under-*raiyat* shall take effect subject to the following restrictions:—

- (a) That in the case of an enhancement on the ground that there has been a rise in the average local prices of staple food crops during the currency of the present rent, the amount of the enhancement shall not exceed twenty *per centum* of the present rent; and
- (b) That in the case of an enhancement on the ground of a landlord's improvement the amount of the enhancement shall not exceed ten *per centum* of the amount expended on the improvement''.

The Hon'ble Mr. SAIED MUAZZAMUDDIN HOSAIN: Sir, I beg to oppose this motion. My reason for doing so is that my friend over there is not aware how much inequitable and unfair the enhancement of rent on the ground of rise in the prices of food crops is on the generality of *raiyats*. The Land Revenue Commission took statistics and it was found that in Bengal 75 per cent. of the *raiyats* had uneconomic holdings, 46 per cent. of the *raiyats* of Bengal hold less than 2 acres of land on which a family of 5 to 6 depends has to subsist, 11 per cent. hold 2 to 3 acres, 9.4 per cent. only 3 to 4 acres, 8 per cent. hold 4 to 5 acres and only 17 per cent. hold between 5 to 10 acres and 8 per cent. more than 10 acres. These last two are the holders of economic holdings and the rest 75 per cent. are holders of uneconomic holdings who cannot even meet costs of living. To increase the rent of these tenants would mean killing them outright. They are already starving and as a matter of fact according to the present political economists such holders of holdings should not pay any rent at all just as people with a minimum income have not got to any income-tax. So according to the present economic principles their rents should be excused. If any enhancement is made, on the ground of prices 75 per cent. of the *raiyats* will be hit and very unjustly hit. (AN HONOURABLE MEMBER: What about khasmahal lands?) We shall follow this principle in regard to khasmahal also. Honourable members may be aware of the history of section 75A which was introduced in 1938 just after the first Ministry came into power under the Government of India Act, 1935. *Raiyats* claim that the zemindars have no right to enhance the rent. This point was particularly gone into by the Land Revenue Commission and they came to the conclusion that their rent was meant to be permanently fixed by the Court of Directors. The Report says "Nevertheless the question of fixing the *raiyats*' rent in perpetuity was considered". The Court of Directors wrote: "It is an object of perpetual settlement that it should secure to the great body of the *raiyats* the same equity and certainty as to the amount of their rents, and the same undisturbed enjoyment of the fruits of their industry which we mean to give to the zemindars themselves". But no provision to that effect was made in the Permanent Settlement Regulations which were enacted in 1793. The result was that the zemindars have expropriated the *raiyats* to the extent of nearly Rs. 100 crores, or more. This sort of enhancement by the zemindars was not at all justified but the *raiyats* had to yield because of the flaw in the Permanent Settlement Regulations. The Board of Director's instructions were clear but were got incorporated in the regulation. The result is that the zemindars have already expropriated the *raiyats* for these 150 years. We have now decided that for the time being we should maintain *status quo* should not allow any enhancement. We are thinking of the abolition of the zemindary system altogether and when that is done the question will not arise at all. Until that is done the present rents should continue for maintaining the *status quo*. This Bill only contemplates to extend the period of that *status quo* for a year, for the present. Probably we may have to extend it for another 5 years if within the first 5 years we shall be not able to acquire, all the zemindary interests.

With these words, Sir, I oppose the motion moved by my friend Mr. G. Morgan. Perhaps he has moved this motion not knowing the history of this particular section. (Mr. G. MORGAN: Excuse me.)

Mr. PRESIDENT: May I take it that the Hon'ble Minister in charge does not want to reply?

The Hon'ble Mr. FAZLUR RAHMAN: I don't think, Sir, I need add anything to what the Hon'ble Mr. Saiyed Muazzamuddin Hosain has already said on the subject.

Mr. PRESIDENT: The question before the House is that in sub-clause (I) of clause 7 of the Bill, for the words commencing with "and all such provisions" and ending with "the twenty-seventh day of August, 1947" the following be substituted, namely:—

"Provided that for a further period of five years with effect from the twenty-seventh day of August, 1947, all such provisions relating to enhancement of rent of a *raiayat* or an under-*raiayat* shall take effect subject to the following restrictions:—

- (a) That in the case of an enhancement on the ground that there has been a rise in the average local prices of staple food crops during the currency of the present rent, the amount of the enhancement shall not exceed twenty *per centum* of the present rent; and
- (b) That in the case of an enhancement on the ground of a landlord's improvement the amount of the enhancement shall not exceed ten *per centum* of the amount expended on the improvement".

The question was put and lost.

Mr. C. MORGAN: Sir, I beg to move that in sub-clause (I) of clause 7 of the Bill, for the word "five" the word "two" be substituted.

In view of what the Hon'ble Minister has said already, this amendment also does not stand much chance of being accepted and I do not like to say much further than what I have said. However I have moved it.

Mr. PRESIDENT: Amendment moved that in sub-clause (I) of clause 7 of the Bill, for the word "five" the word "two" be substituted.

The Hon'ble Mr. FAZLUR RAHMAN: I oppose this amendment on the ground that the high prices prevalent now do not show any sign of downward trend and have not yet established. On the basis of that if any enhancement is—.

Mr. C. E. CLARKE: On a point of information, Mr. President. We cannot hear the Hon'ble Minister. He is inaudible.

The Hon'ble Mr. FAZLUR RAHMAN: Sir, it is unfair that enhancement should take place on the basis of prices which have not yet been stabilised besides the other ground which my honourable colleague the Ministry for Education has put forward before. The reason why we should not base any enhancement on these high prices is because, according to us, it will take at least 5 years if not more to have the prices stabilised. Moreover, as has been pointed out, we have to get on with the abolition of the zemindary system, I mean the Permanent Settlement. We have a Bill ready for the purpose which will be brought soon and we hope that legislation will be proceeded with in this session and under that legislation provision has been made for fixing fair rent. To settle the lands with the zemindars on such fair rents will take us time. On the whole it will take us 5 years or more and that is the reason why we think that it will not do if we have two years instead of five years and I oppose the amendment on that ground.

Mr. PRESIDENT: Order, order. The question before the House is that in sub-clause (1) of clause 7 of the Bill, for the word "five" the word "two" be substituted.

The question was put and lost.

Mr. PRESIDENT: The question before the House is that clause 7 stand part of the Bill.

The question was put and agreed to.

Clause 8.

Mr. PRESIDENT: Clause 8 stand part of the Bill.

The question before the House is that clause 8 stand part of the Bill.

The question was put and agreed to.

Clause 9.

Mr. PRESIDENT: Clause 9 stand part of the Bill.

The question before the House is that clause 9 stand part of the Bill.

The question was put and agreed to.

Title and Preamble.

Mr. PRESIDENT: Title and the Preamble be added to the Bill.

The question before the House is that the Title and the Preamble be added to the Bill.

The question was put and agreed to.

The Hon'ble Mr. FAZLUR RAHMAN: Sir, I beg to move that the Bengal Tenancy (Amendment) Bill, 1947, as settled in the Council, be passed.

Mr. PRESIDENT: Motion moved that the Bengal Tenancy (Amendment) Bill, 1947, as settled in the Council, be passed.

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: Sir, I have only one word to say in reply to Mr. Morgan. He has mentioned that the *raiyyat* is making a profit of 400 per cent. on the sale of his goods or crops but at the same time Mr. Morgan forgets that the cost of production has also gone up by more than 600 per cent. and also the cost of living of the *raiyyat* has increased by 400 per cent. The *raiyyat* has to purchase his cloths at a price 400 or 500 per cent. higher than the pre-war price, he has to purchase his salt at a price 500 per cent. higher than the normal price. So it is not a fact that the *raiyyat* is making all the profits and not spending on his necessities. It is not a fact that the *raiyyat* has been making a profit by getting for higher prices for his produce than he was getting some years ago.

With these words I support the motion for the passing of the Bill.

Mr. PRESIDENT: The question before the House is that the Bengal Tenancy (Amendment) Bill, 1947, as settled in the Council, be passed.

The question was put and agreed to.

I now adjourn the House till 2-15 p.m. on Friday, the 14th February, 1947. There is no business for tomorrow.

Adjournment.

The Council then adjourned till 2-15 p.m. on Friday, the 14th February, 1947.

Members absent.

The following members were absent from the meeting held on the 12th February, 1947:—

- (1) Khan Bahadur Shaikh Fazal Ellahi.
- (2) Mr. Mungturam Jaipuria.
- (3) Mr. Humayun Z. A. Kabir.
- (4) The Hon'ble Mr. Tarak Nath Mukherjea, M.B.E., C.I.E.
- (5) Dr. Kumud Sankar Ray.
- (6) Mr. Satish Chandra Sen.
- (7) Mr. Md. Taufiq.

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1947—No. 6.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Friday, the 14th February, 1947, at 2-15 p.m. being the sixth day of the First Session of 1947, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

QUESTIONS AND ANSWERS

Externment order on Mr. Nepal Chandra Bhattacharyya.

49. Mr. HARIDAS MAJUMDAR (on behalf of Mr. Humayun Kabir):

(a) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that Mr. Nepal Chandra Bhattacharyya, an employee of Calcutta Port Trust, was externed from Calcutta and the Industrial areas in 1940?

(b) Is it a fact that he was externed without showing any cause?

(c) Are the Government aware that he had no other means of livelihood except his post under the Port Trust?

(d) Have the Government sanctioned any allowance for him? If so, what is the amount, and when was it sanctioned?

(e) Will the Government reconsider his case and withdraw the said externment order?

The Hon'ble Mr. MOHAMMED ALI (on behalf of the Minister in charge of the Home Department): (a) and (b) Yes.

(c) No.

(d) An allowance of Rs.10 per month was originally sanctioned to him with effect from the 14th February, 1940. This was enhanced to Rs.15 per month with effect from the 1st April, 1942, then to Rs.20 per month with effect from the 1st September, 1943, and finally to Rs.30 per month with effect from the 1st March, 1945.

(e) The externment order was cancelled on the 31st January, 1946.

Mr. BIJOY SINGH NAHAR: May I know what was the pay of Mr. Bhattacharyya in the Port Trust Office, before he was interened?

The Hon'ble Mr. MOHAMMED ALI: I ask for notice.

Mr. BIJOY SINGH NAHAR: Does the Hon'ble Minister think that Rs. 10 was enough for him to maintain himself outside Bengal?

The Hon'ble Mr. MOHAMMED ALI: That as the reason why subsequently the allowance was enhanced. If you look to the answer, you will find that it was enhanced three times.

Mr. BIJOY SINGH NAHAR: It was enhanced, but does he think it adequate?

The Hon'ble Mr. MOHAMMED ALI: Sir, the position is this that Government have not adopted the policy of making good the amount which he was earning before his internment, but it was in the nature of an *ex gratia* compensatory allowance.

The Bengal Pure Food Bill.

50. Khan Bahadur A. M. SHAHOODUL HAQUE (on behalf of Mr. Nur Ahmed): (a) Will the Hon'ble Minister in charge of the Department of Health and Local Self-Government be pleased to state if it is a fact that a comprehensive new Bill under the caption of the Bengal Pure Food Bill was introduced in the Bengal Legislative Assembly and referred to a Select Committee?

(b) Do the Government of Bengal propose to speedily proceed with the said Pure Food Bill? If so, when?

(c) If not, why not?

MINISTER in charge of the DEPARTMENT of HEALTH and LOCAL SELF-GOVERNMENT (the Hon'ble Mr. Mohammed Ali): (a) Yes.

(b) It is proposed to introduce the Bill in this House during the current session and to carry it through all possible stages.

(c) Does not arise.

Public Health Act.

51. Khan Bahadur A. M. SHAHOODUL HAQUE (on behalf of Mr. Nur Ahmed): (a) Will the Hon'ble Minister in charge of the Department of Health and Local Self-Government be pleased to state if the Government of Bengal propose to enact a comprehensive Act containing all provisions regarding public health and sanitation in Bengal on the lines of Madras Public Health Act of 1939 and on the lines of the National Service Health Act of 1946 of United Kingdom?

(b) If so, when such a Bill will be introduced?

(c) If not, why not?

The Hon'ble Mr. MOHAMMED ALI: (a) and (b) Enactment of a comprehensive Public Health Act to make provision for matters relating to public health and sanitation in Bengal after taking into account the provisions in the Madras Public Health Act and the relevant Act of the United Kingdom is under consideration of Government. Steps will be taken for preparation of a Bill for the purpose and for its introduction in the Legislature as soon as it is decided to enact such legislation.

(c) Does not arise.

Mr. BIREN ROY: When Government proposes to enact such a legislation?

The Hon'ble Mr. MOHAMMED ALI: The matter is engaging the attention of Government, but so far no decision has been taken.

Mr. BIREN ROY: Can the Hon'ble Minister give an approximate time when this legislation will be taken up?

The Hon'ble Mr. MOHAMMED ALI: I am sorry, I cannot predict the time when Government will actually take up the matter. But I may assure the honourable member that they will expedite the matter.

Mr. ABDULLA-AL-MAHMUD: Is there any enactment under the contemplation of Government.

The Hon'ble Mr. MOHAMMED ALI: Yes, Sir. We have, as a matter of fact, got some draft provisions of the Bill ready, but, as I have already said, no decision has yet been taken so far as the provisions that will be embodied in the Act.

Co-operative land colonization scheme for the ex-servicemen of Bengal.

52. Khan Bahadur A. M. SHAHOODUL HAQUE (on behalf of Mr. Nur Ahmed): (a) Will the Hon'ble Minister in charge of the Department of Land and Land Revenue be pleased to state, if any co-operative land colonization scheme for the benefit of the ex-servicemen of Bengal has been prepared and put into action in Bengal by the Government of Bengal?

(b) Has the scheme for the resettlement of 10,000 ex-service personnel on 2 lakh acres of reclaimed waste land, as mentioned on page 28 of the Government of Bengal's Post-War Reconstruction Plan, published in 1945, been put into operation?

(c) If so, when and where?

MINISTER in charge of the DEPARTMENT of LAND and LAND REVENUE (the Hon'ble Mr. Fazlur Rahman): (a) Government have given further consideration to the matter and a revised scheme is under preparation.

(b) No. A Bill for the acquisition of waste lands for the purpose will be introduced in this session.

(c) Does not arise.

Adjournment Motion.

Mr. HARIDAS MAZUMDAR: Sir, I have got an adjournment motion.

Mr. PRESIDENT: Mr. Mazumdar, I have refused consent to your adjournment motion.

Mr. HARIDAS MAZUMDAR: Sir, may I know the reason?

Mr. PRESIDENT: Yes, I will state that. First of all it is a continuing grievance and the situation has not changed. You should have sent the notice of adjournment motion on the opening day of the session.

Mr. HARIDAS MAZUMDAR: Sir, may I be permitted to explain why I did not send the notice on the opening day. I wanted to give the Government sufficient time to bring about some sort of settlement between the workers and the Tramway Company. I wanted to give 3 weeks' time. Now, we have come to the conclusion that Government have failed to take the necessary steps to bring about settlement.

Mr. PRESIDENT: But today is the 24th day of the strike. You could have sent the notice earlier. However, I am not prepared to discuss the matter further.

Mr. BIJOY SINGH NAHAR: May we hear something from the Hon'ble Minister concerned?

Mr. PRESIDENT: Does the Hon'ble Minister propose to make any statement regarding this matter?

The Hon'ble Mr. SHAMSUDDIN AHMED: No, Sir.

Presentation of Select Committee Reports.

Mr. PRESIDENT: Mr. Nur Ahmed, will you present your Select Committee reports?

Mr. NUR AHMED: Sir, I beg to present the report of the Select Committee on the Indian Lunacy (Bengal Amendment) Bill, 1947, and with your permission, I also beg to present the report of the Select Committee on the Bengal Moslem Marriage Extravagant and Superfluous Expenditure Regulation Bill, 1947.

Mr. PRESIDENT: I could not hear you, Mr. Nur Ahmed. Have you made the motions regarding the presentation of the reports of the Select Committee on, (1) the Bengal Muslim Marriage Expenditure Regulation Bill, 1947, and (2) the Indian Lunacy (Bengal Amendment) Bill, 1947?

Mr. NUR AHMED: Yes, Sir. May I have your permission also to move a very formal motion for extension of time to submit the report by the Select Committee on my Bill, the Eastern Bengal and Assam—

Mr. PRESIDENT: What are you moving, Mr. Nur Ahmed? Let me now take up Non-official Resolutions. Yes, Mr. Mahalanobish.

Non-official Resolutions.

Mr. NACENDRA NATH MOHOLANABISH: Mr. President, Sir, on 13th September last, when I was moving this resolution, I was going to cite certain recent instances illustrating the mischievous effect of the combination of these two functions, executive and judicial, but before I proceed to do that, I would, with your leave, Sir, like to state how these functions came to be combined and what steps were taken to separate them and with what result.

As I said, the question of separation of judicial from executive functions of officers is as old as British rule in India. It may not be out of place to have a historical retrospect of this very important question. After grant of Dewani to East India Company in 1765 A.D. administration of criminal justice was left in the hands of Mohammedan officers appointed by the Nawab Nazim of Bengal, Bihar and Orissa.

In April, 1781, some powers with respect to administration of criminal justice regarding some heinous offences were transferred to the Judges of Civil Court.

Union of the office of Judge, Magistrate and Collector was introduced for the first time in 1787, in pursuance of the instructions of the Court of Directors brought out by Lord Cornwallis at the time of his appointment.

After a short experience of the functioning of this system, Lord Cornwallis was satisfied that the result of this system would be to sacrifice the administration of justice to the supposed fiscal interest of the Government.

He, therefore decided to vest the duties of collection of revenue and administration of justice in separate officers. He accordingly abolished the *Mul Adalat* (Revenue Court) and withdrew from Collectors of Revenue all judicial powers.

In Regulation II of 1793 (passed in Lord Cornwallis' time), it was pointed out in clear and unequivocal language that the combination of these two functions was extremely undesirable. So in 1793, Collectors were deprived of all judicial powers and the duties of Judge and Magistrate were united in the same person. This continued till 1821.

In 1821 Regulation IV of 1821 was passed empowering the Governor-General in Council to invest Collector with magisterial powers and Magistrates with the powers of Collector.

In 1831, by Regulation VII of 1831, powers were taken to invest the Zilla or City Judges with full powers to conduct the duties of Sessions Judges.

In 1837, Lord Auckland procured the sanction of the Court of Directors to the separation of the two offices which were gradually effected in the course of the next eight years.

In 1859, the offices of Collector and Magistrate were again united as a temporary measure.

In the meantime in 1839, a Committee was appointed to draw up a scheme for the more efficient organisation of the Police.

That Committee pointed out in forceful language the extreme undesirability of combining the duties of Judge, Sheriff, Justice of the Peace and Constable in the same person. Such combination was characterised as absurd as well as mischievous. It was pointed out that the Magistrate ought to have no previous knowledge of a matter with which he had to deal judicially.

It was said that the union of Magistrate with Collector has been stigmatized as incompatible, but the combination of thief-catcher with judge is surely more anomalous in theory and more mischievous in practice. "So long as it lasts", it was said, "the public confidence in our criminal tribunal must always be liable to injury and the authority of justice itself must often be abused and misapplied and the power of appeal is not a sufficient remedy—the danger to justice under such circumstances, is not in a few cases nor in any proportion of cases, but in every case. After all, the Magistrate is constable, prosecutor and judge".

In 1854, Mr. C. Beadon, the Secretary to the Government of Bengal, in a letter to the Government of India pointed out the desirability of the separation of the executive from judicial function. Mr. J. P. Grant, Member of Council of the Governor-General, recorded a minute to the effect that the combination of the duties of the Superintendent of Police, Public Prosecutor and Criminal Judge was objectionable in principle and that the Government ought to dis sever as soon as possible the functions of Criminal Judge from those of thief-catcher and Public Prosecutor now combined in the office of the Magistrate.

In 1856, the Court of Directors of the East India Company reiterated the same views and stated that the management of the police of each district should be taken out of the hands of the Magistrate.

In 1857, that eminent Judge Sir Barnes agreed with this view:

"In which way is crime more certainly discovered, proved and punished and innocence more certainly protected—when two men are occupied each as a thief-catcher, prosecutor and judge or when one is engaged as thief-catcher and prosecutor and the other as a judge".

He observed further:

"If the combination theory were acted upon in reality, if an officer, after bribing spies, endeavouring to corrupt accomplices, laying himself out to hear, what every tell-tale has to say, and putting his wits to the utmost stretch, for weeks, perhaps, in order to beat his adversary in the game of detection, were then to sit down gravely as a judge, and were to profess to try dispassionately upon the evidence given in court, the question of whether he or his adversary had won the game—I am well convinced that one or two cases of the sort would excite as much indignation as would save me the necessity of all argument *a priori* against the combination theory".

Sir, these are the words of one of the most experienced and responsible English officials and not of an agitator or irresponsible critic.

In 1860, a Commission was appointed to enquire into the organisation of the Police. This Commission reported that as a rule, there should be complete severance of Executive Police from Judicial authorities and the official who may be in any way connected with the prosecution of any offence or the collection of any evidence should never sit in judgment.

This recommendation was accepted by the Government of India. It was then suggested that the combination of these functions was a temporary measure.

During discussions on the Police Act, Sir Barnes Peacock, Vice-President of the Council, states that he was always of opinion that "a full and complete separation ought to be made between the two functions".

In 1867, the then officiating Secretary to the Government of Bengal, Mr. H. L. Danapier observed as follows:—

"I am convinced that the only true and lasting solution of the difficulty is a complete separation of judicial and executive duties".

Similar views were expressed by a host of other eminent officials, so long back as 1867-69, of whom the following may be mentioned:—

Hon'ble Ashley Eden, Secretary to the Government of Bengal,

Mr. (afterwards Sir and Lt.-Governor of Bengal) Rivers Thompson, C.S.,

Mr. (afterwards Sir) H. S. Maine, the then Law Member of the Government of India, and

Sir William Makkbey, a Judge of the Calcutta High Court.

The much-wished-for separation was about to be realised at the time of the enactment of the Criminal Procedure Code of 1872, but Sir Fitz James Stephen, who happened to be ruling over the legislative destinies of India at the time turned down the idea on the ground that under the circumstances of British India, the system must continue and that the maintenance of the influence and powers of District Officers is essential to the maintenance of British Rule in India and that any diminution in their influence and authority over the natives would be dearly purchased even by an improvement in the administration of justice. He talked about prestige and dignity of the District Officer which was likely to be jeopardised.

Sir Fitz James Stephen did a great disservice to his own country by thus shelving a great reform of the administration of justice and thereby engendering a growing distrust in the administration of Criminal Justice in India. The matter was taken up by the Congress and other eminent public men of the time, including Mr. Monmohan Ghosh, one of the greatest criminal lawyer of the time, and he demonstrated the evils of the system by citing concrete cases. Mr. Ramesh Chandra Dutta, I.C.S., published a scheme in 1893, showing how this could be done without much additional expenses. In a debate on the subject which took place in the House of Lords, on May 8, 1893, Lord Kemberley, the then Secretary of State for India in Council and his predecessor Lord Cross showed their approval of the principle in no ambiguous terms. It was then said that their separation would result in vast good to the country. Lord Dufferin, the Viceroy, accepted it as Counsel of Perfection. The Indian National Congress started the movement for separation and resolutions in support of it were passed in every year, since 1886-1896 during the Government to effect it without further delay. In later years also a scheme of separation has been laid before the Congress. This movement, the then Viceroy Lord Lansdowne declared as a perfectly legitimate movement.

Ultimately in 1899, a memorial was submitted by a number of distinguished Anglo-Indian Judges and Administrators to the Secretary of State for India in Council, headed by Lord Hobhouses, Sir Richard Garth, Sir Richard Couch, Sir Charles Sargent, Sir William Markbey, Sir John Budd Phear, Sir John Scott, Sir William Welderburn. Questions were often asked in Parliament and Legislative Councils in India. Reply was vague and indefinite—vague promises of reform were held out, but the matter was not taken up seriously. In 1908, Sir Harvey Adamson, the then Home Member, in his budget speech delivered on 27th March promised to effect a separation of judicial and

Executive duties in Bengal and East Bengal and formulated a scheme for the purpose—a cautious scheme after all. He said “the inevitable result of the present system is that criminal trials affecting the general peace of the district, are not conducted in that atmosphere of cool impartiality which should pervade a court of justice. Nor does this completely define the evil, which lies not so much in what is done, as what may be suspected to be done, for it is not enough that the administration of justice should be pure, it can never be the bed rock of our rules unless it is also above suspicion”.

The main objection hitherto put forward was that the District Magistrate cannot be deprived of his judicial power without loss of prestige and influence over the people. Prestige and influence cannot be acquired by under-hand and doubtful means. The prestige and influence that they suppose they possess is no real prestige or real influence, but it is what is acquired by tyrants—submission to fear. No District Officer can properly claim any respect or regard from the people but people fear him, because he has the power to do mischief.

The type of prestige and influence which they claim must disappear from the minds of our people and the sooner it does the better. In dealing with the question of prestige, Sir Harvey Adamson, the then Home Member, in his speech said—

“Can any Government be strong where administration of justice is not entirely above suspicion? The answer must be in the negative. The combinations of functions is a direct weakening of the prestige of the executive.” He then said that the Government had decided to advance cautiously and tentatively towards the separation of judicial and executive functions in India. He formulated a scheme, but it never materialised.

In recent times, Lord Reading, the then Viceroy, had proclaimed that he would effect the much-needed separation of judicial from executive functions, but ultimately failed to do anything.

Numerous cases, many of them reported in Law Reports, may be cited illustrative of the baneful effect of the combination of the judicial and executive functions and perhaps most—if not all—of the honourable members have got first-hand knowledge and information about the abuse of these powers. It is unnecessary to cite a large number of cases to illustrate this and I would content myself in citing only 2 or 3 cases.

The first case is known as the Mymensingh case of 1892, where a District Magistrate was so puffed up with pride and power that he could not tolerate the position, wealth and influence of a Maharaja, a resident of the town. He tried his level best to cancel his membership of the District Board by executive methods, but failed. Later when the Maharaja was extending the compound of his palace by building compound walls, the municipal overseer thought that there was some encroachment on municipal drains. The Maharaja tried to settle amicably and offered to the municipality to make a pucca drain, but it was found that there was delay in making the drain. The District Magistrate ordered his prosecution under municipal bylaw and other sections of the Indian Penal Code and made over the case to a Magistrate under him with the necessary instruction. Counsels came from Calcutta to defend the Maharaja who tried in vain to settle the matter amicably, the District Magistrate refused to settle. Under his instructions (as the District Magistrate himself admitted—that the trying Magistrate was his “post office and conduit pipe”), the trying Magistrate was to act. He openly used to take instructions from the District Magistrate with regard to the case. And during the trial, the trying Magistrate forced the Maharaja to appear personally and in spite of request by Counsel not only was not allowed a seat by his Counsel, but forced to stand in the dock. Not being satisfied with this indignity and humiliation to the Maharaja, under orders of the Magistrate one under-trial prisoner

charged with theft was brought in the same dock by the side of the Maharaja to receive his sentence. This was done obviously with a view to further humiliate him.

As can be easily imagined the conduit pipe Magistrate convicted him of nuisance and acquitted him of the charge of encroachment and sentenced to a fine of Rs. 500 or 20 days' simple imprisonment in default.

When there was an appeal before Sessions Judge, the said Magistrate wrote a letter to the Sessions Judge in support of the conviction, but ultimately the Maharaja was acquitted.

This indignity, this humiliation, this harassment to the Maharaja could never have happened, if the District Magistrate had not used the trying Magistrate as his conduit pipe and if there was a judicial officer to try the case, who could function independently of the District Magistrate, the prosecutor.

The next case, I would cite is the case of late Sir, then Mr. Surendra Nath Banerjee, subsequently a Minister of the Government of Bengal.

The facts of this case may be recalled by many of the honourable members, who have seen the glorious days of first mass movement in this country in which Bengal took the lead. I mean the anti-partition movement. In 1906, there was arranged a Bengal Provincial Conference at Barisal on 14th and 15th April. Mr. A. Rasul, the well-known Barrister, was the President-elect. A large number of delegates including Babu Bhupendra Nath Bose, an eminent Solicitor of the Calcutta High Court, the well-known patriot, Babu Aswini Kumar Dutta, the renowned journalist and editor, "Amrita Bazar Patrika", Babu Motilal Ghosh and several other distinguished leaders attended the conference as delegates.

At Barisal, when the President-elect was being taken in procession, the police headed by the Police Superintendent started indiscriminate assault on the processionists upon which Mr. S. N. Banerjee protested and he was immediately put under arrest and produced before the District Magistrate who at the time was famous—I would say notorious—for his anti-Bengali feeling.

Babu Aswini Kumar Datta and other gentlemen also accompanied Mr. Banerjee, but they were immediately asked by the District Magistrate to get out in these words:

"Get away, you are not properly dressed and would be insulted—you have not *pugris* on"; they returned.

Mr. S. N. Banerjee was going to take a chair when the District Magistrate shouted in an insulting and offensive tone—"stand up—you are a prisoner".

Mr. S. N. Banerjee protested against the Magistrate's remark as one that ought not to have come from the Court—the Magistrate said in a loud voice "keep quiet—this is contempt of Court and I shall draw up contempt proceedings against you".

And immediately after he wrote something and told Mr. Banerjee "you are fined Rs. 200 for contempt of Court" and immediately after Mr. Banerjee was asked to show cause why he should not be bound down under section 107, Criminal Procedure Code, and at once the order was made absolute and he was asked to find surety to keep the peace—Mr. S. N. Banerjee protested that he could not do so by an executive order, but that a judicial enquiry was necessary—and nothing more was done and the matter rested there.

The conviction for contempt of Court was set aside by the High Court holding it illegal and it observed that the record was tampered with by the Magistrate by adding something later on. No Magistrate, the High

Court said, can add to or alter the proceedings or judgment after they are signed. This is another instance, how we are treated under the present system.

In connection with the said incident in which the Police assaulted several delegates, a criminal charge of assault was brought by some of the injured delegates against the Police Superintendent and others.

The Senior Deputy Magistrate received the complaint, but refused to issue process or pass any order as required by law and was led to pass on the complaint to the District Magistrate as he said he had orders to do so. In spite of strong protest by counsel on behalf of the complainants the records were sent to the said District Magistrate. The Senior Magistrate shamelessly said in open Court:

"My duty is of a clerical nature. That is what I have been ordered to do in this matter. My hands are not quite free.

Shortly after the District Magistrate's order was received "Complaints dismissed and struck off".

Needless to say that the order was set aside by the High Court and the case sent back to be dealt with according to law. The Deputy Magistrate again dismissed the case. That was in 1906, and we are now in 1947—40 years' after—the same system is still creating disgust amongst all right-thinking people, but Government is carrying on in the same way indifferent to the mischief and tyranny that is going on all round owing to the combination of these functions. The hatred and distrust that has grown against the Government is in no small measure due to this system.

It is needless to cite recent instances which are so numerous and so sickening that people have become callous about it and take it: lying down as their Kismat under this system. The case of a Superintendent of Police is still fresh in the minds of honourable members and recent instances of executive interference with the course of justice in which a Minister of Bengal Government was involved is fresh in our minds and I do not propose to detail those incidents.

These powers give opportunity to the officers to either extort bribe or subscriptions in aid of Government schemes with the connivance of high officials only to further their own official prospects.

Apart from that, the disturbance caused by multifarious works of Magistrates—during the trial of cases—cannot be conducive to a fair trial and every Magistrate thinks that the judicial part of the work is of very little importance.

Even conscientious officers, their number though is extremely limited, who would try their best to do justice, ultimately cannot keep their conscience and independence, as at every step, the Police has the right, if not in law, but in practice to ask and do ask for explanations and the Magistrates have to submit explanations for their judicial orders at the behest of the Police Prosecutors and Executive superiors.

This is a system which should never have come into existence, and if allowed to exist in the beginning of British rule must have been abolished hundred years ago. But now combination of this system has become a public scandal of the first magnitude. But our misfortune is that in spite of so-called provincial autonomy working all these years our Ministers have not yet done anything to effect this much-needed reform.

I cannot believe there is anybody in this House who would like this pernicious system to continue any longer and let us therefore demand its discontinuance by this Resolution and press upon the Government to act according to it.

As for practical scheme for effecting the separation, I may draw the attention of the House to the schemes drawn up by—

- (1) The late Mr. Ramesh Chandra Dutta in 1893.
- (2) Mr. C. W. Bulten in 1900,
- (3) Sir Harvey Adamson in 1908,
- (4) Late Mr. P. C. Mitra in 1913.

All these were very cautious and halting schemes, but Government for one reason or another did not or could not adopt them.

The matter was again brought before the old Legislative Council in 1921 by a Resolution which ran thus:

“This Council recommends to Government that early steps be taken for the total separation of the judicial from the executive functions in the administration of the Presidency”.

This resolution was passed on the 5th April, 1921, and Government by Resolution No. 6257, dated the 19th August, 1921, appointed a Committee to formulate a practical working scheme for the total separation of the judicial from the executive.

The Committee consisted of the following members:—

Mr. Justice W. E. Greaves, Bar.-at-Law,
 Mr. F. C. French, C.S.I., I.C.S.,
 Sir Ashutosh Choudhury, Kt., M.L.C.,
 Dr. A. S. Suhrawardy, M.L.C.,
 Raja Manmatha Nath Roy Choudhury of Santosh, M.L.C., and
 Mr. G. Morgan, M.L.C.

We find that Mr. Morgan is still an active member of the House destined to listen to and take part in the discussion of the same matter after 25 years. The matter remains in the same position as he found in 1921.

That Committee gave a very detailed and valuable scheme. The cost scheme estimated by them was Rs. 4,48,650 non-recurring and Rs. 1,53,000 recurring, the principle having already been accepted by the Bengal Legislative Council long ago. Practically everything is ready and Government can adopt one of these schemes and start the separation of the judicial and executive functions without any further delay. With these remarks I commend my resolution to the acceptance of the House and hope that the House will unanimously adopt it.

MR. PRESIDENT: Resolution moved that this Council is of opinion that the administration of civil and criminal justice should be carried on by judicial officers and not by executive officers and there should be a complete separation of judicial from executive functions of officers at an early date.

MR. C. MORGAN: Mr. President, in view of the fact that my honourable friend has mentioned my name in connection with the Committee called the Greaves Committee, of which I was a member, I may state that we went into the subject very carefully and anybody who wants to know the details can get hold of a copy of the report and read it for himself. I have no other option, but to support the resolution before the House.

MR. NUR AHMED: Sir, I rise to support the principle underlying this most important resolution. Sir, this question of separation of judicial from executive functions has been agitating the mind of Indians from the year 1893. In this agitation the Congress has taken all along a very keen part and has been pressing this most important reform in the judicial system of India. Sir, this is a question which I think should be supported by all members. It is necessary that a

Magistrate who tries a case should be immune from any outside influence and should be impartial and should not be directly or indirectly under the influence of some body who will regulate his promotion or his future prospects. I do not like to repeat the history of the question which has been so ably narrated by the mover of the resolution. I would only like to touch one or two points in the resolution. I find from the resolution tabled in this House that along with the expression criminal justice, the word "civil" also occurs, for, as regards the administration of civil justice, it is a known fact that administration of civil justice is now quite separate from the administration of criminal justice and all civil cases are tried by judicial officers. So I fail to understand as to why this word "civil" has been added to the resolution.

As regards administration of criminal justice, Bengal has taken a great step in this direction. The Government of Bengal have already appointed some Munsiff-Magistrates, who try criminal cases. Important criminal cases or sessions cases are tried by District Judges, Assistant District Judges or Subordinate Judges. But, Sir, whenever this question has been raised the question of additional expenditure has come into stand in the way of effecting this most important reform. This question can be settled in my opinion very easily, if the right method is adopted. Now, every Magistrate hears appeals from the decisions of second class and third class Magistrates; this can be easily transferred or delegated to Assistant District Judges or District Judges and, if necessary, in some cases, by Munsiff-Magistrates and in that case the District Magistrate will be shown of all his duties as a Judge. In case of Subdivisional Magistrate in some cases in Bengal an experiment was made by appointment of Munsiff-Magistrate as Subdivisional Magistrate, but in that case also that function has not been separated. My suggestion is that these Munsiff-Magistrates may be appointed as Judge for trying criminal cases and the function which is now performed by the Subdivisional Magistrate as a Judge should be given to the Munsiff-Magistrates and other Deputy Magistrates and Subdivisional Magistrates who try these cases can be placed under the control of High Court Judges and they may not be dependant and under the control of the Provincial Government. In this way without much expenditure the desired reform may be effected in Bengal. I strongly support the principle underlying this resolution. I think it is desirable that the judiciary who try cases should command respect from all and there should be no complaint in regard to any case. To make that it is necessary that the function of a Judge and of an executive officer should be separated as early as possible. When the Congress Government came into power in 1939, it was hoped that this reform would be carried out, but to our great disappointment all those who accepted this policy said that this matter should be postponed on grounds of expenditure. I now find that some of the Congress Government have already taken up this question, such as, Madras, Bihar and other provinces. I hope the Government of Bengal which has gone too far already in this matter should complete the separation of the judiciary from the executive. With these few words I give my qualified support to this resolution.

Mr. NACENDRA NATH MAHALANOBISH: May I draw your attention that the Hon'ble Minister in charge of Judicial is not present in the House, when an important subject like this of his department is being discussed.

The Hon'ble Mr. MOHAMMED ALI: Sir, the subject does not, strictly speaking, come under Judicial, it concerns the General Administration and comes under the Chief Minister's Department.

Mr. ABDULLA-AL-MAHMUD: Do you mean it comes under the Chief Minister's Department alone?

The Hon'ble Mr. MOHAMMED ALI: No, it is a matter concerning the General Administration. The question of civil judiciary does not actually arise. It is criminal judiciary which is to be separated and which is being pressed for.

Mr. SULTANUDDIN AHMED: Sir, the statement just now made by the Hon'ble Minister is not correct. The powers to try cases are granted by the Judicial Department and they are not granted by the Chief Minister's Department, so these Magistrates who try these cases are directly concerned with the Judicial Minister first and then for administrative purposes it may concern the General Administration.

The Hon'ble Mr. MOHAMMED ALI: Primarily it is concerned with the General Administration.

Mr. HARIDAS MAZUMDAR: Sir, I beg to support the resolution moved by my honourable friend, Mr. Mohalanobish, regarding the separation of the judiciary from the executive. I think in the best interests of the country this should be given effect to as early as possible otherwise the communal whims and jobbery that are going on cannot be stopped.

The Hon'ble Mr. MOHAMMED ALI: Mr. President, Sir, the question of the separation of the judiciary from the executive has been a very controversial subject for the last 90 years. It is really appropriate that in the present political context, this subject should come to the fore, because we are now on the threshold of a new constitutional era and a new constitution will emerge no doubt. But we do not know what that constitution will be and we do not know also what will be the future set up of the Governmental machinery. Therefore the Government is unable to accept the resolution in full. Because the resolution wants that the separation should be given effect to at once. So far as the question of separation is concerned, Government will certainly give due consideration to the opinion expressed in this House by members when the whole question of the revision of Governmental machinery will be taken up. But honourable members of this House are aware that there is now a gradual and partial separation of the judiciary from the executive (Mr. ABDULLA-AL-MAHMUD: No, no). Sir, the District Officers have now multifarious works in connection with the development and other scheme of rehabilitation and Government are now utilising the services of Lawyer-Magistrates and Munsif-Magistrates. These Lawyer-Magistrates are recruited from the Bar and they have no connection with the General Administration of the districts. They are only concerned with the trial of criminal cases. They are at once given first class powers because of their experience in legal matters, and they are entrusted with the trial of criminal cases.

Mr. ABDULLA-AL-MAHMUD: That is not true.

Mr. PRESIDENT: Order, order. If you go on interrupting the Hon'ble Minister in this way, it is not possible for him to reply to all the points.

Mr. ABDULLA-AL-MAHMUD: He is not stating facts.

Mr. PRESIDENT: You must allow him to have his say.

The Hon'ble Mr. MOHAMMED ALI: The honourable member must patiently hear me first and it would be up to him to say afterwards that what I was saying was not correct. Now, Sir, I was trying to impress upon the House that these Lawyer-Magistrates are entrusted with the trying of criminal cases and they have no work regarding the general administration of the district or any other general administration work. It is true that they are under the control and discipline of the District

Magistrate who is responsible for the general administration of the district. In that view of the matter, it may be said that there is not complete separation of the judiciary from the executive, because the District Officer is responsible not only for the running of administration of the district, but also he is in charge of the Magistrate, who try cases that are brought up for trial. Nevertheless, there is partial separation in the sense that previously trying Magistrates used to do administrative work. They were then in charge of law and order and used to try cases for infringement of any section of the law. But now after the appointment of Lawyer-Magistrates there is partial separation. Also Munsifs who used to try civil cases, they have been empowered under the Criminal Law to try criminal cases and thus Munsif-Magistrates are judicial officers of Government who have nothing to do with the general administration. In that view of the matter also there is partial separation but I admit that there is not complete separation of the judiciary from the executive, as is desirable and therefore, I would like to state on behalf of the Government that this matter is engaging the attention of the Government and they will certainly give due weightage to the opinions expressed by the members of this House, but I only want to say that Government are unable to give any immediate effect to the question of separation of the judiciary and the executive in view of the fact that Government machinery at present is wholly occupied with development schemes and plans and that Government do not know what the future setup of Governmental machinery will be and Government are also not fully aware what the future constitution of this province will be. Therefore in that view of the matter this question of separation of judiciary from the executive cannot be taken up immediately. But inasmuch as Government's attention has been drawn to it, Government would like to implement the views of this House as soon as it is possible for Government to do so, but only after there is general revision in Governmental machinery and there is change in the constitution. With these words though I accept the principle enunciated in the resolution, I am afraid we cannot accept the resolution, because it states that immediate effect is to be given to this question of separation.

Mr. HAMIDUL HUQ CHOWDHURY: The Hon'ble Minister wanted to say that there was a virtual separation of the two already (the Hon'ble Mr. MOHAMMED ALI: I did not say so). At least he said that there was some kind of separation already. I am not committing myself to either view; my views are quite different and I am not prepared to give my views on the subject. I have got up only on a point of explanation. There is no separation of the judiciary from the executive at the present moment; it is a fact, because the question of who controls the district crops up here; certainly the District Magistrate, who is the administrative head of the district controls everyone who does criminal work whether he is a Munsiff or he is a Lawyer-Magistrate—what is the source of recruitment is immaterial to the subject at issue—and he is under the control of the administrative head and the latter has the power to retain him or to report against the former that he should not continue. The subject is a complicated one and I would request that the Hon'ble Minister and the Cabinet should give deep consideration to this thing. It is a very important question, but it cannot be given effect to immediately without ascertaining the opinion of the country, not the opinion of this House alone, and the many points involved in it.

Mr. PRESIDENT: Mr. Mahalanobish, you have the right of reply. (Mr. Lalit Chandra Das rose to speak.) Why should you speak now, Mr. Das? You did not get up at the proper time when this important matter was being discussed. There was ample opportunity for you to get up and if you had drawn my attention, I would have allowed you to speak.

Mr. LALIT CHANDRA DAS: It is only to meet some of the points that I have got up, Sir.

Mr. PRESIDENT: Now is not the time, Mr. Das. Yes, Mr. Mahalanobish.

Mr. NAGENDRA NATH MAHALANOBISH: Sir, the Hon'ble Minister wanted to postpone this matter till he sees what the new constitution is like. Now, I for a moment cannot at all understand what this question has to do with the new constitution. That constitution may come in two years or five years or ten years later or may not come at all. That has got nothing to do with an urgent reform in this branch, for which I am now contending. As we all know there is a great deal of difficulty that we are experiencing in the matter of the Constituent Assembly and to have the Constitution through the Constituent Assembly or through the British Parliament and then to have a Constitution of this particular province and then to consider whether there should be a separation of judicial and executive functions will take a very very long time and one does not know whether the particular Government then on the saddle will be reasonable enough to have a separation of the executive from the judiciary for which we are now moving this resolution. I submit that it is an extremely lame excuse which the Hon'ble Minister has put forward as a ground for delaying this matter. Now, the Hon'ble Minister has said that the Government are occupied with so much and so many important matters that they cannot look into the matter so early and takes exception to the resolution, because it says that "early" steps be taken. I have perhaps shown that this matter has been agitating the minds of the people of this province as well as the mind of Government for over a century and that after all sorts of discussion and all sorts of consideration of the points of view of the Government, of the people of the province and that of the Judges and Magistrates, ultimately in 1921, the Bengal Legislative Council had decided to accept the principle and the only thing they wanted to have was a proper workable scheme. That scheme was made and it was reported to the Government—that must be in the archives of Government, no doubt,—and there is very little to be considered anew. If there is any point of view which the Hon'ble Minister wants to place before the House for which all these considerations which were given by successive Governments to this question have been set at naught or is going to be revised now, the Hon'ble Minister is perfectly welcome to say before this House as to what are the present circumstances which debar the Government from accepting the principle that was acceptable to the Government of Bengal in 1921. Then, Sir, the Hon'ble Minister was trying to give some consolation to us by saying that "we have already given effect to some partial separation". (Mr. ABDULLA-AL-MAHMUD: We do not admit this.) Certainly, we do not admit this nor should any one do so. What has been done is not fit to be called separation of the two functions. Sir, who are the Lawyer-Magistrates? I know many of them; they are worse than your Magistrates, because you have got them as temporary Magistrates and they do not know when they will be called off. The District Magistrate will just write a confidential against them and say "these officers are no good, his acquittals are more than they ought to be". The District Magistrate does not care to know the law or judge any case on its merits; he only goes by the percentage of acquittal or conviction and whenever any poor Magistrate has a goodly number of cases of acquittal, then woe to him and a confidential letter is issued against him by the District Magistrate. Therefore, either you should appoint these Lawyer-Magistrates permanently or should sack them because it is all the more pernicious to have such officers in the judicial service who are anxious to have their own skin saved. (The Hon'ble Mr. MOHAMMED ALI: Sir, it is doing great injustice to a gallant band of

officers.) Well, Sir, the Hon'ble Minister has never attended a law court and if he had, he would not have felt like that. I belong to the legal profession, Sir, and have great respect for the Lawyers, but still I am constrained to say that that is the position in the mofussil, and having regard to this practice, I think I am justified in making these remarks. So far as the Munsiff-Magistrates are concerned they are always entirely under the control of the District Magistrate and District Magistrates' whims are sometimes reflected in the judgments and orders of these Magistrates. (Mr. HAMIDUL HQ CHOWDHURY: Only in criminal cases and not in civil.) Yes, Munsiff-Magistrates, when they sit as Magistrates they are called Magistrates, but when they are taken off from criminal work they are regarded as civil. They should not be taken away in this way from criminal work. I want to say to the House that there is, therefore, no partial separation. It was not. Take it in that light and frankly admit it. But to say that we have got partial separation in the way in which you say, is, I say, regrettable.

Then, I submit, Sir, the Hon'ble Minister said that this was engaging the attention of the Government. I submit that Government have so many things under consideration, as the Hon'ble Minister himself has already said, that the expression "engaging the attention of Government" has almost become meaningless and we do not take it as of any serious import. It simply means shelving the matter and nothing more. It is only those who have come in contact with administration of justice can feel what a scandal, it is to have in the twentieth century judicial and executive functioning together. Everybody connected with law and justice knows that now a days legislation is left to the executive. You just enact a law with a few sections and leave everything to be decided by rules and rules are framed by executives and the Magistrate and his subordinates are to carry them out. This is simply arbitrary. In many civilised countries the method of ruling by rules is being abandoned and it is a very pernicious system. But we find here in Bengal that we are not only having no separation of the executive and the judiciary, but we are having day by day every law administered by the executives and judicial functions are more and more being entrusted to Magistrates and executive officers under the rule-making powers of Government. Therefore the position has become extremely undesirable and it is high time that the Government should without delay undertake the separation of these two functions. I submit that the cost is not much as the Greaves Committee has shown and everything else is practically ready. Therefore the question of delaying this matter any further should not be accepted by this House.

Mr. PRESIDENT: The question before the House is that this Council is of opinion that the administration of civil and criminal justice should be carried on by judicial officers and not by executive officers and there should be a complete separation of judicial from executive functions of officers at an early date.

The motion was put and a division claimed.

(When the Division Bell ceased ringing.)

Mr. BIREN ROY: Sir, how can the Hon'ble Minister shout "No" when he is not a member of this House?

Mr. PRESIDENT: He can shout but he cannot go into the Division Lobby.

A division was taken with the following result:—

AYES—15.

Mr. C. E. Clarke.
Mr. Lalit Chandra Das.
Mr. Hemendra Kumar Das.

Mr. G. J. Keeman Hook.
Rai Bahadur Brojendra Mohan Maltra.
Mr. Haridas Majumdar.

Mr. Bijoy Singh Nahar.
Mr. Biren Roy.
Mr. Patiram Roy.
Mr. Nagendra Nath Mohalanabish.
Mr. George Morgan, C.I.E.

Mr. Birendra Kishore Roy Chowdhury.
Mr. Charu Chandra Sanyal.
Mr. Satish Chandra Sen.
Mr. Satish Chandra Jana.

NOES—23.

Mr. Abdulla-al-Mahmud.
Mr. Nur Ahmed.
Mr. Sultanuddin Ahmed.
Rai Bahadur Dharendra Lal Barua.
Khan Bahadur Syed Abdur Rasid Choudhury.
Mr. Moazzem Hossain Choudhury.
Mr. Hamidul Huq Chowdhury.
Mr. Abdul Hamid Chowdhury.
Khan Bahadur Abdul Latif Chowdhury.
Mr. Syed Fazle Rabbi Chowdhury.
Mr. D. J. Cohen, O.B.E.
Mrs. Labanyaprobha Dutta.

Mr. G. M. Shahoodul Haque.
The Hon'ble Mr. Saiyed Muazzamuddin Hossain.
Mr. Latafat Hossain.
Alhadj Yar Ali Khan.
Mr. Mobarak Ali Khan.
Mr. Abdul Latif.
Mr. Syed Abdul Majid.
Khan Bahadur Ghyasuddin Pathan.
Khan Bahadur Mukhlesur Rahman.
Mr. Abdul Rashid.
Dr. Kasiruddin Talukdar.

Ayes being 15 and Noes 23 the motion was lost.

Mr. LALIT CHANDRA DAS: Sir, I beg to move that this Council is of opinion that the Government of Bengal should take immediate steps to amend the Bengal Local Self-Government Act of 1885, and the Bengal Village Self-Government Act of 1919, so as to enable women to be voters and members of the institutions set up by these Acts, and recommends for the purpose that all women of the age of 21 years or more who are literate or whose husbands or fathers or guardians, as the case may be, are qualified by these Acts to be voters or members, will be entitled to be voters or members thereof.

Sir, half the population of Bengal is formed by women folk. So far as women are concerned, we know that a very liberal view was taken by Parliament and under the Government of India Act, 1935, they have been enfranchised. They can really vote now and their representatives as a matter of fact are now sitting in the Bengal Legislative Assembly. Now, Sir, they were considered fit to be voters to send up representatives even to the highest Council that we have got in our province and yet it is strange enough, I should say, that they have not been considered fit to vote for persons who are to go to union boards or to union committees, to the local boards or to the district boards. It will be necessary for me to point out from the relevant sections of the Local Self-Governing Acts how they have been debarred. For this purpose, I would draw your attention, Sir, and through you of honourable members of this House to section 7 of the Bengal Village Self-Government Act, 1919. Therein it is stated that every male person of the full age of 21 years and having a place of residence within the union, who during the year preceding the election has paid a sum of not less than eight annas as cess under the Cess Act, 1880, in respect of lands situated wholly or in part in such union or during the year immediately preceding such election has been assessed at and paid a sum of not less than six annas for the purpose of union rate payable under the Act, or in the case of a first election under this Act, as chaukidari tax, shall be entitled to vote.

Now, Sir, this is the qualification of a voter for members of union boards. All that is wanted now is to drop the word "male", appearing after the word "may" and just before the word "person", and then everything becomes all right. If this section is amended by the removal of the word "male" this section would read as follows—Every person of the full age of 21 years, and having a place of residence, and so on and so forth. Then every male becomes a voter. With regard to the female my resolution demands that not only does she need to be 21 years of age, but what is more important, she must be literate or her husband or father or guardian, as the case may be, is qualified by these

Acts to be voters or members, will be entitled to be voters or members thereof. These are also the qualifications required of women to become voters under the Government of India Act, 1935. This is one section, Sir. Then there is another section which requires to be amended in this connection and that is section 9 of the Bengal Local Self-Government Act, 1885, the proviso portion of it. In that proviso the description of the qualifications of the voters for members to the local boards has been laid down as follows—"provided that every male person of the full age of twenty-one years, resident within the area under the authority of a local board, who is qualified in one of the manners following, that is to say, is a member of a union committee within such area, has during the year immediately preceding such election paid a sum of not less than one rupee on account of road cess in respect of lands situated either wholly or in part within such area, or been possessed of a clear annual income from any source of not less than two hundred and forty rupees" will be eligible to be voters. In this proviso the only change that will be necessary will be the removal of the word "male" appearing after the word "every" and the female becomes a voter. It will be necessary to have a short change in section 13 of the Bengal Local Self-Government Act, in the proviso. In that proviso the wording is exactly the same—"every male person" and so on and so forth. Here also, if the word "male" is dropped after the word "every" then a woman becomes a voter. So far as the Bengal Local Self-Government Act of 1885, is concerned, it has been amended several times and later there has been an amendment also and that section is required to be amended. Here also the word "male" is to go. These are all the alterations required in these two Acts for the purpose of enfranchising women and thus enabling them to be voters. I do not understand why this bare justice to our women folk should not be done, when once their right has been recognised even in respect of the Legislature in our country and they ought and should be allowed to vote for candidates for the local and district boards and union boards. There has been great awakening amongst the women folk of our country and there will be no dearth of properly qualified candidates. As a matter of fact some of the women of our country have gone far ahead of the men. Take for instance Mrs. Bijoy Laxmi Pundit and Begum Shah Nawaz. Mrs. Bijoy Laxmi Pundit was sent to U.N.O. as representative of India and it was known to every one how splendidly she has performed her task to the glory of India. Take for instance the case of Begum Shaw Nawaz, another Indian woman, who toured America on behalf of the Muslim League. And then the schools and colleges both in the towns as well as in the mofussil are full of educated women and when the Universities are awarding degrees, we find that the women are competing with the males most successfully. So, I cannot for a moment think why their claims to be enfranchised can be disregarded by us. I have no doubt that taking a long view of the situation, a proper and reasonable view of the case of the women Government of the land will accede to them this right, this claim, this franchise.

With these words, Sir, I move my resolution.

Mr. PRESIDENT: Resolution moved that this Council is of opinion that the Government of Bengal should take immediate steps to amend the Bengal Local Self-Government Act of 1885, and the Bengal Village Self-Government Act of 1919, so as to enable women to be voters and members of the institutions set up by these Acts, and recommends for the purpose that all women of the age of 21 years or more, who are literate or whose husbands or fathers or guardians, as the case may be, are qualified by these Acts to be voters or members, will be entitled to be voters or members thereof.

Mr. C. MORGAN: On a point of information, Sir. With regard to the wording of the resolution "recommends for the purpose that all women of the age of 21 years or more who are literate or whose husbands or fathers or guardians, as the case may be, are qualified by these Acts to be voters or members". Now, will an illiterate woman be a voter if this resolution is accepted?

Mr. PRESIDENT: Will the honourable member please explain what he means by those words in the resolution?

Mr. LALIT CHANDRA DAS: Sir, so far as it obtains in the exercise of votes by ladies in case of candidates standing for the Legislatures, the women who are illiterate also have been allowed to vote on the qualification of their husbands. So I have worded the resolution like that. But I may say that the women will not be generally illiterate.

Mr. BIREN ROY: Sir, I rise in support of the motion—

Mr. PRESIDENT: Mr. Das, there is one word which I could not understand. You have proposed the minimum age to be 21 years, but you have also used the word guardians. But they will be all majors.

Mr. LALIT CHANDRA DAS: Sir, it is exactly not a legal expression but only ladies of the age of 21 years living in a family.

Mr. PRESIDENT: I cannot follow you.

Mr. LALIT CHANDRA DAS: Even if a lady is of 21 years of age still she has to live under some guardian to look after her.

Mr. PRESIDENT: Oh, you mean to say that they are perpetual minors!

Mr. BIREN ROY: I rise to support this resolution of any friend, Mr. Lalit Chandra Das. Although I realize that it is a very unreal atmosphere after having witnessed the voting on the resolution just preceding, I think, Sir, neither our Hon'ble Minister in charge of Local Self-Government nor any member of this House would be unchivalrous enough to refuse this little franchise in these days when we are shouting for adult franchise in every sphere. The Congress as well as the Muslim League are in favour of adult franchise and although Mr. Das has hardly qualified the voting by adding guardians even for women of more than 21 years of age, the explanation would be, Sir, this in this particular case: In our country, the women are not economically independent and therefore provision has been made in the Government of India Act and in other Election Manuals that women whose husbands are qualified to vote may vote even though they are not qualified otherwise, that means by literacy or by means of assessment of their house and so on. In this case there may be some women whose husbands are dead and who cannot come in in any other way, but as members of the family—these perpetual minors as you have put in properly—and therefore when the house is assessed and a lady is living in that house without having any share in that particular house, she being over 21 years of age, she should be considered as under the guardianship of the gentleman or the lady who owns the house. In this particular case she will come in as a voter, but the best thing would be, Sir, to introduce adult franchise both for male and female over 21 years of age and we would have the restrictions as has already been envisaged by Mahatma Gandhi that those who are over 50 years of age may not be entitled to be voters in all cases and many of our old men and women will be then out of this unreal atmosphere and we young people can fight out our own case here. There are other aspects of the thing, Sir. We have found also that in cases where women, when they have been given franchise, they use it with much better common-sense than perhaps we male folk would do and that is a fact. The fact being that in many cases, the male

folk are guided by other considerations than by considerations of principle and here in this House we saw that in the voting on the preceding resolution and if women members in this House could also have been elected by their own franchise—not by nomination—they would have acted otherwise than what they have done in the resolution on the separation of judiciary from the executive. I feel sympathy for all women over 21 years of age and await the day when they will be voters and take part in the administration of not only this province, but of the local councils and the district boards and the local boards in this province and I think our Hon'ble Minister will accede to this resolution and take necessary steps to make the necessary amendments to the Acts suggested by the mover, if it is possible, even during the current session of the Council and the Assembly.

Mr. CHARU CHANDRA SANYAL: I rise to support the resolution moved by my friend, Mr. Das. Days have come when women are coming forward to work side by side with men. They are getting similar education as men; they are trained in the same lines as men and it is quite natural that they should claim the same privileges as men have in the administration of the land. The women of England had to fight for the franchise. In Bengal let us not face the same ugly fight. Let the franchise be extended to them without any fight. Some may say that men are now afraid of women. The point is controversial indeed. But it is high time that intelligent and able women should be allowed to take part in national work and administration. Women are best suited for administration of the departments of primary education, child welfare and maternity, etc. The Governments of Europe and the United States of America have allowed women inside the administrative machinery and probably they have nothing to repent for their action. So, instead of creating class antagonism, let us develop class compromise. With these words I commend the resolution to the acceptance of the House.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, I have my full sympathy with the main purpose of the resolution, but I am afraid Mr. Das wants to make mischief in the sense that he wants to bring friction and disputes into the household. I am afraid, I cannot support the resolution inasmuch as experience shows that women rarely vote for women. In voting, if it is limited to men folk, women have got a chance to do some work on representative organisations, but it is the experience of many countries that women voters or bulk of them do rarely return women. Therefore, if for nothing else, I would rather have the chance given to women to be members of local bodies and the only way to have that is to limit the vote to men folk. From a practical point of view, I am afraid that in rural parts of the country extension of the franchise to women as is the experience in the elections to the provincial legislature, Sir, absolutely becomes a mere theoretical provision. For very few women except in towns have taken advantage of this enlargement of franchise. Therefore, I say, let consciousness grow amongst women—not to the extent that we have heard amongst the suffragist women in England, when women have fought tooth and nail for getting their rights and have fought for representation in Parliament—not to that extent, but let them demand this franchise for themselves, but let us not as a mark of chivalry concede that right to them. Therefore, till that time comes let us defer this resolution.

The Hon'ble Mr. MOHAMMED ALI: Mr. President, Sir, at the risk of being dubbed unchivalrous and at the risk of incurring the displeasure of Miss Robertson and Mrs. Dutt, I have to oppose the resolution. The resolution is not as simple as it looks. It proposes a change of a far-reaching character and of a revolutionary type, and I shall explain why. Elsewhere and in another place I explained to some members of the legislature Government's point of view regarding the extension of

franchise to women. Government contemplate bringing in a comprehensive amendment of the Local Self-Government Act, 1885, and it is proposed to extend the franchise to women so far as district boards are concerned. I have explained the reason why it is not possible for Government to extend the franchise to women in the matter of election to the union boards. Members of the House are aware that the cost of elections to local boards are borne by the local bodies. The funds of union boards are very limited and it is not possible for union boards to arrange for the erection of separate booths for different classes of voters. Therefore it would create a lot of difficulty, if franchise is extended to women in union boards. Women enjoy the franchise in the matter of elections to the municipalities and the provincial legislatures and it is our experience that response from women voters is not very great (Mr. LALIT CHANDRA DAS: Questions!) and that is why it is proposed to extend the franchise only gradually. Now, as I stated earlier, this resolution contemplates a change of a far-reaching character and the reason is this: if the resolution is accepted then for every male voter there will be 3 or 4 female voters and the result will be that the number of female voters will be more than male by 3 or 4 hundred per cent. The point is it will give adult franchise to female whereas that is not extended to male because the resolution states that all women of the age of 21 years or more, who are literate, etc., will be entitled to be voters. The net result of this will be that for every male voter there will be 4 or 5 female voters, because a male who is eligible for vote on account of property may have several females. Now, as Mr. Biren Roy had said, they may be living with their brother, uncle or other guardians, who happen to be their guardians and they will be entitled to vote, but this concession is not extended to male. Now, for every property which belongs to male there is one vote. On the other hand, if you accept the resolution, there will be 4 or 5 female voters for every property. So this resolution contemplates a change which is of a revolutionary character and by which male folk will have to abdicate and the selection of nominees in the local and union boards and other local bodies will fall in the hands of females. But our country unfortunately has not progressed, so far as to permit our women folk to be voters of these local bodies and allow the males to abdicate their right to do so. The principle should be accepted as we have now such women folk as Mrs. Bijoy Laxmi and Begum Shaw Nawaz, as stated by my friend Mr. Lalit Chandra Das. But some time should elapse before such rights are given and it should be given gradually. So Government do not propose any radical change just at the present juncture. In these circumstances, I cannot accept the principle enunciated in the resolution. But I can assure the House that franchise will be allowed in the matter of district board and when we will bring in a comprehensive Amending Bill in the next monsoon session of the Legislature these things will be considered. It is not possible to have this Amending Bill in the present session as wanted by my friends opposite. I therefore oppose this resolution.

Mr. LALIT CHANDRA DAS: Sir, I want to say a few words in reply. The Hon'ble Minister is labouring under a great mistake. He seems to think that the woman voter will get advantage over the male voter, if my resolution is accepted. He does not know the present state of affairs. He ought to know, if he does not know, that in joint family there is a minimum rate that requires to be paid for the purpose of making one a voter and that in a joint family every adult becomes a voter even according to present law of joint family system. Therefore his complaint that the women voters will be larger in number than males has no legs to stand upon. As a matter of fact, he should not have made a complaint like this. He should not be sorry, if women get advantage over male and come in larger numbers. Why don't you make adult

franchise for all males as well as females? Well, voters in democracy—the more—the married. As a matter of fact that would be a great improvement upon the present state of things. So far as the present law under the Government of India Act, 1935, stands, if views of the Hon'ble Minister is accepted these ladies cannot be voters. Fortunately enough the power lay elsewhere and those authorities took a different view and the ladies have been enfranchised. If the matter rested with the Hon'ble Minister, from what I heard of his views, the ladies could not be members of the legislatures. It is surprising to know that the ladies could be voters in the legislatures, but they are incompetent to vote for the district boards, local boards or union boards or for the village committees. Sir, I expected to hear the opinion of Mrs. Dutta and Miss Robertson on this resolution as to how far this touches the interests of and the rights of women and how they feel over the question. But they have not spoken. Anyway, it is better late than never. Let us see how they cast their votes. I find no point in his criticism regarding what I have stated that ladies whose husbands or fathers or guardians are voters should be qualified to vote. This will be acceptable to all, particularly in the case of Muhammadans, who can marry up to 4 wives. Mr. Hamidul Huq Chowdhury has said that the ladies will have a tendency not to vote for a woman. I think that is not at all relevant, and that is not at a point, why he should vote against the resolution.

The Hon'ble Mr. MOHAMMED ALI: Sir, there is no gain saying the fact that the desideratum to be attained is the extension of adult franchise. But I was speaking so far as this present resolution is concerned. This resolution simply extends practically adult franchise to all women whereas the same concession is not given to the men. Mr. Jas says that all the women of the age of 21 years should be enfranchised. Suppose a gentleman has four daughters of the age of 21 years and above and the gentleman is enrolled as a voter and they will all be entitled to be enrolled as voters, whereas the same concession cannot be given to all the sons. Similarly if a brother has many sisters, all the sisters will be eligible to be enrolled as voters whereas the other brothers will not be so. Similarly, if a husband has more than one wife, then all the wives would be entitled to be voters, whereas husband cannot have more than one vote. And then, Sir, in the question of local boards here is joint electorate and the Muslims will have a disadvantage, because the mover has said a Muslim may have four wives so when the contest is going on they will be able to produce up to a maximum of four wives only, whereas a Hindu gentleman will have the scope of an unlimited number of wives as voters, because there is no restriction on their number of wives. Therefore it is a serious problem and therefore I am afraid that my contention that the number of female voters will be far in excess of male voters has many legs to stand upon.

Mr. PRESIDENT: Order, order. The question before the House is that this Council is of opinion that the Government of Bengal should take immediate steps to amend the Bengal Local Self-Government Act of 1885, and the Bengal Village Self-Government Act of 1919, so as to enable women to be voters and members of the institutions set up by these Acts, and recommends for the purpose that all women of the age of 21 years or more, who are literate or whose husbands or fathers or guardians, as the case may be, are qualified by these Acts to be voters or members, will be entitled to be voters or members thereof.

The question was put and a division taken with the following result:—

AYES—12.

Mr. Lalit Chandra Das.
Mr. Hemendra Kumar Das.
Mrs. Labanyaprobha Dutta.

Mr. Satish Chandra Jana.
Rai Bahadur Brojendra Mohan Maitra.
Mr. Haridas Majumdar.

Mr. Nagendra Nath Mohalanabish.
Mr. Bijoy Singh Nahar.
Mr. Biren Roy.

Mr. Patiram Roy.
Mr. Birendra Kishore Roy Chowdhury.
Mr. Charu Chandra Sanyal.

NOES—26.

Mr. Abdulla-al-Mahmud.
Mr. Nur Ahmed.
Mr. Sultanuddin Ahmed.
Mr. Syed Badrudduja.
Rai Bahadur Dharendra Lal Barua.
Khan Bahadur Syed Abdur Rasid Chowdhury.
Mr. Hamidul Huq Chowdhury.
Mr. Abdul Hamid Chowdhury.
Khan Bahadur Abdul Latif Chowdhury.
Mr. Syed Fazle Rabbi Chowdhury.
Mr. C. E. Clarke.
Mr. D. G. Cohen, O.B.E.
Mr. A. M. Shahoodul Haque.

The Hon'ble Mr. Saiyid Muazzamuddin Hossain.
Mr. Latafat Hossain.
Alhadj Yar Ali Khan.
Khan Sahib Mobarak Ali Khan.
Mr. Abdul Latiff.
Mr. Syed Abdul Majid.
Mr. George Morgan, C.I.E.
Khan Bahadur Ghyasuddin Pathan.
Khan Bahadur Mukhiesur Rahman.
Mr. Abdul Rashid.
Dr. Kasiruddin Taiukdar.
Khan Sahib Moulvi Wahiduzzaman Haji
Haji Md. Yusuf.

Ayes being 12 and Noes 26, the resolution was lost.

Mr. PRESIDENT: The Council stands adjourned till 2-15 p.m. on Monday, the 17th February, 1947.

Adjournment.

The Council then adjourned till 2-15 p.m. on Monday, the 17th February, 1947.

Members absent.

The following members were absent from the meeting held on the 14th February, 1947:—

- (1) Mr. Reajuddin Bhuiya.
- (2) Mr. L. P. S. Bowner.
- (3) Mr. Kamini Kumar Dutta.
- (4) Khan Bahadur Sheikh Fazal Ellahi.
- (5) Mr. Mungturam Jaipuria.
- (6) Alhadj Khan Bahadur Shaikh Muhammad Jan.
- (7) Mr. Humayun Z. A. Kabir.
- (8) The Hon'ble Mr. Tavak Nath Mukerjee, M.B.E., C.I.E.
- (9) Mr. T. B. Nimmo.
- (10) Dr. Kumud Sankar Ray.
- (11) Mr. Md. Taufiq.

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1947—No. 7.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Monday, the 17th February, 1947, at 2-15 p.m. being the seventh day of the First Session of 1947, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

QUESTIONS AND ANSWERS

Introduction of free and compulsory Primary Education.

53. Mr. NUR AHMED: Will the Hon'ble Minister-in-charge of the Education Department be pleased to state—

- (a) if any scheme for introduction of universal free and compulsory primary education has been drawn up by the Government of Bengal as a post-war education development scheme for the whole of Bengal,
- (b) if not, why not; and
- (c) if so, when it is expected to be put into operation?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. Saiyed Muazzamuddin Hosain): Sir, there has been slight error in the typed answers and I want to correct them.

Mr. PRESIDENT: Yes.

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: (a) Yes, in certain parts of Bengal and not in whole of Bengal.

(b) On account of financial stringency it has not been possible to prepare a scheme for the whole of Bengal.

(c) The scheme is under consideration and is expected to be implemented during 1947-48.

Mr. BIREN ROY: With reference to answer (a)—certain parts of Bengal,—may I know which parts of Bengal?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: That has not yet been decided. I think it will comprise one-fourth of Bengal.

Mr. BIREN ROY: May I know which one-fourth part?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: Selection of districts has not yet been done. Everything has been done except selection of districts.

Mr. LALIT CHANDRA DAS: Only on paper.

Mr. NUR AHMED: With reference to answer (c) in what districts it has been selected?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: That has not yet been finally decided.

Khan Bahadur GHYAHUDDIN PATHAN: What has then been the decision?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: The decision has been that compulsory primary education will be given effect to in one-fourth of Bengal.

Mr. HAMIDUL HUQ CHOWDHURY: Will the Hon'ble Minister be pleased to state what is the principle to guide the Ministry in selecting the districts?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: Our idea is that the districts which have first imposed education tax will be given first preference. But nothing has been finally decided and I cannot give you the final decision.

Mr. HAMIDUL HUQ CHOWDHURY: Will the Hon'ble Minister be pleased to state if he will follow the procedure of lottery in the selection of the districts?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: Certainly not.

Khan Bahadur GHYASHUDDIN PATHAN: Will the Hon'ble Minister be pleased to state whether the idea is to start the scheme where the districts offer voluntary education tax and who are ready to take this scheme up?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: Those who had taxed themselves at the very beginning on the starting of the free primary education system will be given preference; but as I have said, nothing has been finally settled.

Khan Bahadur GHYASHUDDIN PATHAN: Will the Hon'ble Minister be pleased to state how many districts have taxed themselves?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: All the districts except Midnapore.

Mr. HAMIDUL HUQ CHOWDHURY: Then all the 24 districts will get the advantage of the free and compulsory primary education first?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: No, according to priority, namely, the districts who taxed first will get the advantage first.

Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister please give an outline of the scheme which is under consideration and which is going to be implemented in 1947-48?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: Compulsory and free primary education will be introduced as has been shown in the Free Primary Education Act.

Mr. SULTANUDDIN AHMED: Has any provision been made in the Budget?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: I am not sure. But provision may be made in the Supplementary Budget as soon as it is introduced.

Posting of a Sub-Judge at Darjeeling and a Munsif at Kalimpong.

54. Mr. LALIT CHANDRA DAS (on behalf of Mr. Nagendra Nath Mahalanobish): (a) Will the Hon'ble Minister in charge of the Judicial Department be pleased to state if the Government have decided to post—

- (i) Subordinate Judge at Darjeeling (in place of the Munsif) with powers of a Subordinate Judge, and
- (ii) a Munsif to try civil cases at Kalimpong?

(b) If so, has any such officer been posted? If not, do the Government propose to post a Subordinate Judge and Munsif at an early date?

(c) Have the Government decided to post a Subordinate Judge for the district of Jalpaiguri alone, as proposed by the then Judicial Minister in reply to a similar question in this Council during the first session of 1946-47?

(d) Do the Government propose to appoint Munsif at Alipur Duar to try civil cases there?

MINISTER in charge of the JUDICIAL DEPARTMENT (the Hon'ble Mr. Nagendra Narayan Roy): (a) (i) Government have accepted the principle and arrangements are being made to post a regular Subordinate Judge at Darjeeling as early as possible and necessary orders will issue as soon as the same are completed.

(ii) Government have also decided to post an itinerant Munsif to try civil cases of Kurseong, Kalimpong and Siliguri.

(b) Not yet posted. The scheme could not yet be translated into action as the difficulties regarding the accommodation of the Civil Court and the Munsif at three outlying subdivisions have to be overcome and correspondence towards such arrangement is in progress. The Government will post a Subordinate Judge at Darjeeling and an itinerant Munsif for three outlying subdivisions of Darjeeling district as early as the arrangements are completed.

(c) The matter is still under consideration.

(d) Yes, owing to the shortage in the cadre of Munsif this could not be done as yet. As soon as possible a Munsif may be posted to Alipore Duars who will also dispose of criminal cases during his spare time.

Mr. SULTANUDDIN AHMED: With reference to answer (d), will this work be his normal work or the Munsif will do such work as he may do during the time he can choose to spare?

The Hon'ble Mr. NAGENDRA NARAYAN ROY: I have nothing to add to the answer already given.

Mr. SULTANUDDIN AHMED: It is not clear to me. The answer says "will dispose of criminal cases during his spare time". This may mean that time will be set apart for doing criminal work during the week—which may be a normal part of his duty—or he may be asked to do such work during such time as he can spare after doing his ordinary duties as a Munsif. What is contemplated by Government?

The Hon'ble Mr. NAGENDRA NARAYAN ROY: That will be taken into consideration as the exigency arises.

Mr. HARIDAS MAZUMDAR: Arising out of (b) "Not yet posted. The scheme could not yet be translated into action as the difficulties regarding the accommodation", etc., will the Hon'ble Minister be pleased to let us know when he will overcome these difficulties?

The Hon'ble Mr. NAGENDRA NARAYAN ROY: Correspondence is going on on this point and—

Mr. HARIDAS MAZUMDAR: When do you expect to overcome these difficulties? Approximate time?

(No Answer.)

Mr. PRESIDENT: Questions over. The Bengal Maternity Benefit (Pea Estates) Bill, 1946 (introduction, consideration and passing). The Hon'ble Minister.

The Hon'ble Mr. SHAMSUDDIN AHMED: I shall not move for the introduction of the Bill today as certain provisions of the Bill are still under consideration and we have not yet come to a decision.

Mr. PRESIDENT: Not moved?

The Hon'ble Mr. SHAMSUDDIN AHMED: Yes.

The Calcutta Rent Bill, 1946.

The Hon'ble Mr. FAZLUR RAHMAN: Sir, I beg to move that the Calcutta Rent Bill, 1946, as reported by the Select Committee be taken into consideration.

Mr. PRESIDENT: Motion moved that the Calcutta Rent Bill, 1946, as reported by the Select Committee, be taken into consideration.

The question before the House is that the Calcutta Rent Bill, 1946, as reported by the Select Committee be taken into consideration.

The question was put and agreed to.

Mr. PRESIDENT: As regards taking up of the clauses of the Bill I am afraid there are certain amendments which require previous sanction. So the consideration of the detailed clauses of the Bill must wait.

Mr. HAMIDUL HUQ CHOWDHURY: I have seen some of the amendments. They are very badly typed and badly arranged. As they are, they would create confusion. So, Sir, some time may be given to us so that in the meantime necessary action might be taken and the amendments properly arranged?

Mr. ABDUL RASHID: We may go up to clause 4.

Mr. HAMIDUL HUQ CHOWDHURY: What is the object of going up to clause 4? We better wait for a day.

The Hon'ble Mr. FAZLUR RAHMAN: May we proceed up to certain clauses of the Bill, Sir?

Mr. PRESIDENT: There are several amendments which require previous sanction.

The Hon'ble Mr. FAZLUR RAHMAN: Are there any such amendments up to clause 5, Sir?

Mr. PRESIDENT: The first one requires previous sanction. So is the second one. Nos 3 to 7 also require previous sanction. As such I think we cannot proceed with the consideration of the clauses of the Bill without previous sanction. Why not wait for a day? And this would be convenient to everybody.

The Hon'ble Mr. FAZLUR RAHMAN: All right, Sir.

Mr. PRESIDENT: Order, order. The House stands adjourned till 2-15 p.m. tomorrow.

Adjournment.

The Council then adjourned till 2-15 p.m. on Tuesday, the 18th February, 1947.

Members absent.

The following members were absent from the meeting held on the 17th February, 1947:—

- (1) Mr. Abdulla-al-Mahmud.
- (2) Mr. L. P. S. Bourne.
- (3) Khan Bahadur Abdul Latif Chowdhury.
- (4) Khan Bahadur Shaikh Fazal Ellahi.
- (5) Mr. Mungturam Jaipuria.
- (6) Mr. Humayun Z. A. Kabir.
- (7) Mr. Syed Abdul Mazid.
- (8) Mr. Nagendra Nath Mahalanobish.
- (9) The Hon'ble Mr. Tarak Nath Mukherjea, M.B.E., C.I.E.
- (10) Dr. Kumud Sankar Ray.
- (11) Dr. Kasiruddin Talukdor.
- (12) Khan Sahib Maulvi Wahiduzzaman.

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1947—No. 8.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Tuesday, the 18th February, 1947, at 2-15 p.m. being the eighth day of the First Session of 1947, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

Amendments to Non-Official Bills.

The Hon'ble Mr. MOHAMMED ALI: Sir, before I make my statement on the Budget Estimates I have to give notice of some motions. With your permission I would like to give notice of the following amendments:—

To the motion of Mr. Nur Ahmed regarding the Transfer of Property and Indian Registration (Bengal Amendment) Bill, 1943, that the Bill be referred to a Select Committee, that it be circulated for the purpose of eliciting opinion thereon by the 31st October, 1947.

I also beg to give notice that Mr. Nur Ahmed's Bill—Bengal Probation of First Offenders Bill, 1942 be circulated for the purpose of eliciting opinion thereon by the 31st October, 1947.

I also beg to give notice that Mr. Nur Ahmed's Bill—The Children Amendment Bill, 1943 be circulated for the purpose of eliciting opinion thereon by the 31st October, 1947.

I also beg to give notice that Mr. Nur Ahmed's Indian Registration (Bengal Amendment) Bill, 1943, be circulated for the purpose of eliciting opinion thereon by the 31st October, 1947.

I also beg to give notice that Mr. Nur Ahmed's Bengal Moneylenders (Amendment) Bill, 1942, be circulated for the purpose of eliciting opinion thereon by the 31st October, 1947.

MR. PRESIDENT: Well, a whole series of Bills by Mr. Nur Ahmed!

Presentation of Budget Estimate for 1947-48

The Hon'ble Mr. MOHAMMED ALI: I rise to present to the Bengal Legislative Council the Budget Estimates for the year 1947-48.

These estimates were presented to the other House yesterday and in the statement which I made on that occasion I reviewed in detail the financial position and the budgetary proposals for the current year as well as for the coming year. In accordance with usual practice, copies of that statement have been supplied to honourable members for their convenience. It will, I think, be sufficient in the circumstances if I confine my present observations to the more important features of the estimates.

So far as our basic revenue in the current year is concerned—and by basic revenue I mean the total revenue less grants from the Centre for financing unproductive Development Projects—it appears that the yield will be very nearly what was anticipated at the Budget stage, namely 32 crores. It is true that compared with the original estimates we shall be down by 1 crore under Income-tax according to the latest information furnished by the Government of India. We are also likely to be down by 50 lakhs under Sales Tax owing to disturbance of normal trading conditions in the middle

of the year. But these are going to be compensated very largely by increased yields from other sources including 60 lakhs under Customs and 50 lakhs under Stamps. The growth under Customs is due to enhancement of the Central export duty on Jute with effect from October last; and that under Stamps is distributed evenly between Judicial and non-Judicial. In total, as I have said, there will be little variation between our original and revised estimates so far as Revenue receipts are concerned.

In regard to our basic expenditure, that is to say, the total expenditure on Revenue account less the expenditure on non-productive Development Projects financed by outright grants from the Centre, our original estimate is likely to be exceeded by $3\frac{1}{2}$ crores. This is due to an increased expenditure of 3 crores under "Famine Relief" and $2\frac{1}{2}$ crores under "Miscellaneous" counterbalanced by a reduction of about 2 crores in respect of ordinary expenditure under Agriculture, Irrigation and Civil Works. The increase under Famine Relief is due partly to large scale purchase of accessory foodstuff and partly to distribution of gratuitous relief on a wider scale than was originally anticipated. The increase under "Miscellaneous" is accounted for by a provision of 51 lakhs for the relief of refugees from Bihar and a crore and 80 lakhs for the relief of other refugees. It also includes 7 lakhs for the Calcutta Disturbances Commission of Enquiry. The decrease under Agriculture amounts to half a crore out of which 25 lakhs is due to reduction of Jute Regulation staff and the balance to smaller expenditure on Grow More Food Schemes. The decrease under Irrigation and Civil Works totalling about $1\frac{1}{2}$ crore is due to slower progress of work.

The result of this increase of $3\frac{1}{2}$ crores under revenue expenditure is that the revenue deficit of a little less than 10 crores visualised at the Budget stage now stands enhanced at about 13 crores.

The House will recall that we started the year with an opening balance of $7\frac{1}{2}$ crores. We thus require a further $5\frac{1}{2}$ crores to close the gap between revenue and expenditure in the current year. Also we must have an opening balance of at least $2\frac{1}{2}$ crores in the coming year. This means a total additional requirement of 8 crores in the current year.

In November last we moved the Government of India for requisite financial assistance to enable us to break even on our revenue account and to open the coming year with a moderate balance in hand. Although we have had no reply to our representation as yet we earnestly hope that the requisite financial assistance will be forthcoming from the Centre. In the meantime, for the purpose of these estimates the uncovered gap between receipt and expenditure has been closed by short-term borrowing.

Let me now turn to the estimates for 1947-48. On the assumption that there will be no untoward incidents obstructing the inflow of revenue or necessitating any large scale outlay on abnormal and unforeseen items, the gap between revenue and expenditure in the coming year is estimated at 6 crores against 13 crores in the Revised estimates for the current year. This improvement of 7 crores in the revenue position is the joint result of an improvement in revenue receipts to the extent of $3\frac{1}{2}$ crores and a decrease in abnormal expenditure by an equivalent amount.

The principal items responsible for the improvement in revenue receipts are an increase of $1\frac{1}{2}$ crore under Income-tax, 70 lakhs under Customs, 25 lakhs under Excise and 90 lakhs under Other Taxes. The increase under Income-tax is based on the latest estimates furnished by the Government of India and presumably includes arrears which could not be collected this year owing to disturbed conditions in Calcutta, Bombay and other places. The increase under Customs is due to the operation of the enhanced export duty on Jute for full twelve months in the coming year. The improved yield under Excise is due to non-recurrence of the current year's decrease in revenue owing to the closure of excise shops in disturbed areas. Under Other Taxes, the improvement is due to an increase of 50 lakhs under

Sales Tax, 30 lakhs under the Tax on Motor Spirit and 5 lakhs each under Electricity Duty and Entertainment Tax. The increase under Sales Tax is based on the assumption that the depression in business brought about by disturbed conditions in the current year will disappear in the coming year and trade in consumer goods will thrive. The improvement in revenue from Motor Spirit Sales Tax is due to the operation of the enhanced rate throughout the year as against a few months only in the current year. The improvement under Electricity Duty and Entertainment Tax is based on the assumption that conditions will continue to be normal in regard to the functioning of Cinema Houses and the consumption of electrical energy.

The decrease in expenditure is made up of a reduction of 3 crores under Famine Relief and 1½ crore under Miscellaneous for the relief of riot victims and refugees; counterbalanced, to some extent, by an increase of 75 lakhs under Police. The increase under Police is due to the absence of any contribution from the Centre in the coming year towards the upkeep of the Police Force in the Province. The decrease under Famine Relief is based on the assumption that there will be no widespread scarcity in the coming year. The reduced provision under "Miscellaneous" is based on the continuance of relief measures pending permanent rehabilitation of riot victims and refugees.

Even with the improvement in revenue and decrease in abnormal expenditure our revenue deficit in 1947-48 is, as I have already stated, likely to amount to 6 crores. This has been provisionally covered in the Estimates by borrowing in the form of Treasury Bills. The real solution of the problem lies, as the House is aware, in a revision of the financial settlement between the Centre and the Province, pending which there is no other course open to us than to ask for *ad hoc* financial assistance from the Government of India from year to year.

Let me now review briefly some of the important items of expenditure for which provision has been made in the Revised Estimates for the current year and the Budget Estimate for 1947-48.

Agriculture.

The activities of the Agriculture Department are at present concentrated on the Development Programme and the Grow More Food Campaign. Under the former the estimated expenditure during 1947-48 is 2 crores out of which 1 crore 28 lakhs has been provided under Civil Works for the acquisition of land and construction of requisite buildings. The following are some of the more important items included in the Development Programme:—

- (i) *Training of technical personnel.*—Paucity of trained personnel has constituted a serious handicap to Agriculture in this Province. With a view to remove this handicap the Bengal Agricultural Institute, Dacca, which was originally equipped for training 20 graduates per year has now been expanded to turn out 40 graduates every year and it is proposed to expand it further to enable it to produce 150 graduates every year. The three Agricultural Schools, at Dacca, Chinsura and Daulatpur are being reorganised and a new school has been started at Gaibandha for the training of 100 Agricultural Demonstrators every year. A scheme for the establishment of Agricultural Centres for the training of ex-soldiers has also been taken in hand. These Centres are proposed to be set up in the districts of Dacca, Noakhali, Chittagong, Tippera, Faridpur and Bakarganj.
- (ii) *Agricultural Research.*—A comprehensive reorganisation of Agricultural Research is being undertaken with a view to make it an effective instrument for all-round development of Agriculture. Increased facilities for Agricultural Research are

being provided at the Central Research Farm at Dacca. The Horticultural Section at Krishnagar is being reorganised for a comprehensive research into the fruit and fruit products industry of the Province. A scheme has also been formulated for intensive research on sugarcane cultivation.

- (iii) *Animal Husbandry*.—The most important scheme for the development of Animal Husbandry is the Central Livestock Research-cum-Breeding Station at Haringhata. The work was taken up sometime back and considerable progress has already been made. It is also proposed to undertake a scheme for the improvement of the quality of cattle, goats and poultry by scientific breeding and livestock breeding farms are proposed to be established at Kalimpong and Chittagong. A scheme has been formulated for the salvage of dry cows in Calcutta and surrounding areas by removing them to a farm at Chuadanga.

In regard to Grow More Food Schemes, a Five-Year programme has been drawn up with the ultimate object of reaching a target of 4½ lakhs of tons of additional foodgrains in the fifth year. This includes among other things reclamation of 50,000 acres of waste land, sinking of tube-wells for irrigation purposes, distribution of manure and various kinds of seeds and seedlings.

Fisheries.

The Department of Fisheries which was revived in 1942 with a staff of 1 Director, 3 District Fishery Officers and 5 Field Assistants has now been expanded so as to include in addition 4 Assistant Directors, 9 Superintendents, 30 District Fishery Officers and 90 Fishery Overseers. Proposals for the further development of the Department are under consideration of Government. Among important schemes of Development undertaken by the Department are the exploitation of coastal and estuarine fisheries and improvement of tank fisheries on an extensive scale. Fish-curing yards are being established at Contai and Cox's Bazar and for the rehabilitation of fishermen, yarn suitable for the preparation of fishing nets is being distributed under the supervision of the Director of Fisheries.

Medical and Public Health.

In the Medical Budget, a grant of 1 lakh 36 thousand has been provided for the Islamia Hospital during the current year and of 2 lakhs 36 thousand for 1947-48 with a view to enable the Institution to make suitable improvements in its equipment and accommodation. A number of important Development Projects has also been taken in hand. A Medical College was opened at Dacca in July, 1946. A new hospital with 500 beds is also proposed to be opened in the old College building at Dacca. It is proposed to establish by May, 1947, a temporary Medical College in the Lake area in Calcutta with a temporary 1,000 bedded hospital attached to it. The Government of India will meet the entire cost of the College and 50 per cent. of the cost of the Hospital. Steps have already been taken for the conversion of the Campbell Medical School into a Medical College with the provision of 100 additional beds. It will not be possible to open this College before July, 1948. The intervening time will be taken up in the construction of buildings required for the purpose. The establishment of a modern Infectious Diseases Hospital in Calcutta with 750 beds is another important project under contemplation. It is proposed to commence the construction of the requisite buildings in the coming year. A Tuberculosis Hospital has been started at Kanchrapara with 216 beds in the current year. Next year's Budget includes provision for further expansion and development. The Public Health Budget for the coming year contains a provision of one lakh for Health Publicity propaganda.

Education.

In the Education Budget, several important provisions have been made for the advancement of Muslim education. The first is the creation of a special fund called the "Muslim Education Fund" in the current year with a contribution of 4½ lakhs. This has been raised to 10 lakhs (including 36,000 for Medical) in 1947-48. This fund provides for the award of stipends to promising school and college students, special grants to madrassas and special scholarships for technical education abroad. The next item is the opening, at a cost of about 3 lakhs, of ten hostels in Calcutta for accommodation of Muslim students, some of the hostels being established in the current year. Necessary provision has also been made for the teaching of a larger number of Muslim students in the Islamia College and the Presidency College. For the coming year there is a provision of about 2 lakhs for increased allotment to old scheme Madrassas and Farkania Madrassas. Other important provisions include 2½ lakhs for additional grants to Secondary Schools for boys and girls and 1 lakh for additional grants to non-Government Arts Colleges for men and women. For the advancement of education of the members of Scheduled Castes an additional provision of 5 lakhs has been included in the estimates for 1947-48. A Buddhist Education Fund has also been created with a contribution of 16,000 with effect from the coming year. In the "Development Programme" under Education the provision of 10 lakhs made in the current year for encouragement of post-graduate research has been omitted. The provision for increasing the salaries of Primary School teachers has been enhanced from 20 lakhs in 1946-47 to 54 lakhs in 1947-48 with a view to increase the pay of untrained non-matriculate staff. In 1947-48 provision has been made for establishment of a new College of Engineering at Dacca and the development of the Ahsanullah School of Engineering at the same place. Provision has also been made for the training of staff of Primary Training Schools and of teachers of Nursery Schools, equipment of private colleges, overseas training of new students and the establishment of additional high schools for girls. Another important item included in the programme is the development and extension of the Islamia College, Calcutta. This College is to be shifted to a new site in the outskirts of the city and for this purpose 2,000 acres of land are proposed to be acquired. A provision of 4 lakhs has been made under "Civil Works" to cover the cost of acquisition of land required for this scheme.

For the development of Anglo-Indian and European education next year's Estimate includes additional provision of 4 lakhs for grants to non-Government schools and for improvement and extension of two Government schools at Kurseong.

Irrigation.

Among Irrigation Projects for which provision has been included in these estimates the most important is the Mor Reservoir Project for which half a crore has been provided in the Revised Estimates for the current year and about a crore and a half in the Budget for the coming year. Preliminary action is also being taken for setting up of a suitable administrative and executive machinery for the improvement of the Damodar Valley Area by flood control, irrigation and generation of electrical power.

Miscellaneous.

Among other schemes which call for special mention are the North Calcutta Rural Electrification Scheme for which 44 lakhs has been provided in the next year's Budget and the Kanchrapara Area Development Scheme for which 50 lakhs has been provided in the current year and 50 lakhs in

1947-48. This scheme involves the acquisition of the U.S. Army site at Kanchrapara measuring about 14,000 acres with a view to develop it for industrial, residential and other purposes.

Civil Works.

The provision for Road Development in the Civil Works Budget has been estimated at a crore and 32 lakhs in the coming year. The provision for buildings amounts to 2 crores 90 lakhs, the largest items being 1 crore 18 lakhs for buildings required by the Medical Department and 75 lakhs for buildings required by the Agriculture Department. A special Building Section has been attached to the Agriculture Department with a view to expedite construction work as far as possible.

I need not detain the House any longer over the details of projects included in these estimates since these have been set forth fully in the Red Book circulated to honourable members.

The House is well aware of the fact that Bengal's financial difficulties date back from pre-Autonomy days when the iniquitous Meston Award deprived her of the means to promote the welfare of her people and to provide them with reasonable standards of administration. The Niemeyer Award on which the present financial adjustment between the Centre and the Provinces is based completely overlooked the accumulated deficiencies of past years and failed to provide for the growing needs of the future. It did no more than provide for a temporary balancing of the Provincial Budget on the extremely meagre standards which were prevailing in 1936. The Award did not stand the strain of hard realities. During the War while other Provinces reaped the benefit of large scale industrial and commercial operations based on military requirements, Bengal, by reason of her close proximity to the actual theatre of War in the East, had to bear the full brunt of its disrupting effects—

Mr. LALIT CHANDRA DAS: On a point of information, Sir. The Hon'ble Minister is reading something which we cannot find in the printed Budget.

The Hon'ble Mr. MOHAMMED ALI: This is an addition.

Now, Sir, the disastrous famine which was a direct result of the dislocation of her internal economy and transport system dealt her a blow from which she has not as yet recovered.

Its effect has been clearly reflected in the emergence of enormous deficits in her Budget year after year while all other major Provinces were piling up substantial reserves of revenue. It is now admitted on all hands that a fair and equitable allocation of financial resources between the Centre and the Province is essential if Bengal is to recover her financial equilibrium. In particular the whole of the export duty on jute which is hers by all canons of financial propriety should be assigned to her. Pending the revision of this financial adjustment there is no other course open to us than to ask for *ad hoc* financial assistance from year to year.

Conclusion.

So far as the presentation of next year's Budget is concerned, I have done. I have endeavoured to place before the House not only a bird's eyewiew of the financial position but also the implications of some of our important financial commitments in respect of long-term projects of improvement. In no other Province in India is the problem of economic reconstruction so vast and so complex as it is in Bengal where we have to overcome the handicaps imposed by long years of poverty and neglect in the past. There can be no difference of opinion as to our needs and objectives. What group or party is there which does not aspire to improve the lot of the masses, to lift the

cultivator out of his tragic poverty and ill-health, to infuse the ray of hope where there now broods the darkness of despair? When such are our common ideals and objectives there should be no obstacle to a united effort to secure their fulfilment. With this hope and in this spirit I commend the Budget to the consideration of the House.

Calcutta Tramway Strike.

Mr. HARIDAS MAZUMDAR: Sir, may I mention an important and urgent matter?

Mr. PRESIDENT: Yes, what is it?

Mr. HARIDAS MAZUMDAR: I have tabled a short-notice question regarding the Calcutta Tramway Strike and I have also informed the Hon'ble Leader of the House about it. May I enquire if he will be pleased to make a statement on this very important question?

The Hon'ble Mr. MOHAMMED ALI: Sir, Mr. Shamsuddin Ahmed the Minister concerned in the matter, is not present here today. So, I cannot say whether he is prepared to make a statement on the matter or not but I shall bring the matter to his notice. If he agrees, then I have no doubt that he will make a statement on a suitable day.

Mr. PRESIDENT: It is suggested that Friday should be a holiday. The idea is this that if we do not sit on Friday then there will be continuous off days, namely, Friday, Saturday and Sunday and we are already having off days on the 19th and 20th. So is it the general desire of the House that we do not meet on Friday?

Mr. KAMINI KUMAR DUTTA: Sir, we have no objection.

Mr. PRESIDENT: Is Government agreeable to that?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: Yes.

Mr. PRESIDENT: The House stands adjourned till 2-15 p.m. on Monday next.

Adjournment.

The Council then adjourned till 2-15 p.m. on Monday, the 24th February, 1947.

Members, absent.

The following members were absent from the meeting held on the 18th February, 1947:—

- (1) Mr. Abdulla-al-Mahmud,
- (2) Mr. L. P. S. Bourne,
- (3) Khan Bahadur Abdul Latif Chowdhury,
- (4) Mr. C. E. Clarke,
- (5) Mr. Mungturan Jaipuria,
- (6) Mr. Humayun Z. A. Kabir,
- (7) Alhaj Yar Ali Khan,
- (8) Mr. Syed Abdul Majid,
- (9) Mr. Nagendra Nath Mahalanobish,
- (10) The Hon'ble Mr. Tarak Nath Mukerjee, M.B.E., C.I.E.,
- (11) Dr. Kumud Sankar Roy,
- (12) Dr. Kasiruddin Talukdar, and
- (13) Khan Sahib Maulvi Wahiduzzaman.

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1947—No. 9.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Monday, the 24th February, 1947, at 2-15 p.m. being the ninth day of the First Session of 1947, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

QUESTIONS AND ANSWERS

Embankment in the saline water in Chittagong.

55. Mr. AL-HAJ YAR ALI KHAN: (a) Will the Hon'ble Minister in charge of the Department of Irrigation and Waterways be pleased to state what are the reasons for issuing Government letter No. 1495/1, dated the 25th June, 1942, to the Commissioner, Chittagong Division, preventing erection of dam or embankment in the saline water area in the district of Chittagong?

(b) Are the Government aware of erection of dam in Sonaichari Khal in village Manikpathan, police-station Banskali, Chittagong, in open violation of above Government circular?

(c) Why is no criminal prosecution started against the persons concerned in spite of complaint by the public?

MINISTER in charge of the DEPARTMENT of IRRIGATION and WATERWAYS (the Hon'ble Mr. Tarak Nath Mukherjee): Sir, instead of reading the printed answer I may give the information I have received since the printing of the answer.

(a) The order was issued in order to check indiscriminate blocking of channels and other natural passages of water. The previous permission of the Collector in consultation with the Superintending Engineer has been made obligatory in connection with any proposal for the construction of dams, embankments, etc., in the area in question.

(b) and (c) One Maulvi Emtazul Huq Chowdhury constructed a temporary dam for the purpose of keeping out saline water. When it came to the notice of the Subdivisional Officer (Civil), Maulvi Emtazul Huq Chowdhury was asked to remove the dam or to apply for permission to the Collector for its retention.

Teesta Valley Barrage Scheme.

56. Mr. C. MORGAN: (a) Will the Hon'ble Minister in charge of the Department of Irrigation and Waterways be pleased to state what are the main features of the Teesta Valley Barrage Scheme, including particulars of the site of the barrage and its height?

(b) What is the present position of the scheme?

(c) What is the total estimated cost of the scheme, capital and recurring?

(d) How is it proposed to finance the scheme?

(e) What new road alignments are proposed to take the place of the existing Kalimpong and Peshok roads in so far as these will be under water?

(f) When is it proposed to begin work on the scheme?

(g) When is it expected that the scheme will be completed?

The Hon'ble Mr. TARAK NATH MUKHERJEA: (a) The main features of the Teesta Valley projects are—

- (i) Resuscitation of the dead and dying rivers of North Bengal;
- (ii) Irrigation on a large scale in North Bengal;
- (iii) Generation of hydro-electrical power for industrial and domestic use;
- (iv) Navigation in the reservoirs and resuscitated rivers of North Bengal;
- (v) Pisciculture;
- (vi) Recreational facilities.

It is proposed to build *dams* and a barrage on the Teesta at suitable places. Their location and height will be determined on completion of necessary survey and investigation.

(b) Investigation about the scheme including survey, collection of hydrological data and geological investigation are proceeding for planning the scheme.

(c) It is not possible to give an idea of the total cost of the scheme till the investigations are completed.

(d) This will be decided when the costs are known.

(e) The roads that will go under water will depend on the location and height of the *dams*. They will have to be re-aligned above reservoir level. The new alignments have not been fixed yet.

(f) and (g) It is too early to say when the work will start or finish.

Mr. C. MORGAN: Sir, the Hon'ble Minister says in (f) "It is too early to say when the work will start or finish". Does he refer to the actual concrete work? If he means that I can understand it. But, Sir, when I came down from Guelle Khola I saw the Forest Department already clearing up the forests on both sides of the river. When I asked them they said that they were clearing before the Irrigation Department took up the work right down from the top on both sides of the river. Has the Hon'ble Minister no information on that point?

The Hon'ble Mr. TARAK NATH MUKHERJEA: I do not follow clearly what answer the honourable member wants. Certainly we have information about this work.

Mr. PRESIDENT: Mr. Morgan wants to know whether Government have got any information with regard to the work they have already started?

The Hon'ble Mr. TARAK NATH MUKHERJEA: These works were taken up by the Forest Department.

Mr. C. MORGAN: What I mean is that the Forest Department has already begun clearing jungles on both sides of the river near Guel Khola and that is for the barrage, we understand. What the Hon'ble Minister says is that it is not yet decided where the site of the barrage will be. I want to know if he has further information on that subject.

The Hon'ble Mr. TARAK NATH MUKHERJEA: The Irrigation Department has got no information on that subject.

Mr. BIREN ROY: Arising out of the question and out of the answer in (c) "It is not possible to give an idea of the total cost of the scheme till the investigations are completed", in any case has the scheme been approved by Government that it will be taken up or is it under consideration still not knowing what the cost will be?

The Hon'ble Mr. TARAK NATH MUKHERJEA: Unless the scheme has finally materialised it is not possible to give any idea as regards the cost.

Mr. BIREN ROY: Therefore the scheme has not yet been approved by Government. That is what I want to know.

The Hon'ble Mr. TARAK NATH MUKHERJEA: Naturally. In the circumstances how can it be approved?

Mr. BIREN ROY: Then the whole question falls through because the Hon'ble Minister says that the scheme has not yet been approved and therefore the question of starting or finishing the work cannot be answered. But then Mr. Morgan says that he asked the officers of the Forest Department there and they said that the works have partially started on both sides of Giel Khola and the Teesta River. The Hon'ble Minister said that the scheme has not yet been approved by the Government. Are we to understand that amounts are being spent without the approval for the scheme?

The Hon'ble Mr. TARAK NATH MUKHERJEA: I am afraid the honourable member has misunderstood the point. Work is quite different from scheme. I said that the scheme unless it is finally laid out, cannot be approved.

Mr. BIREN ROY: Therefore the scheme, namely, the Teesta Valley Barrage Scheme, has been approved by Government, that it will be taken up without knowing the cost and the outlay entailing on the Government to complete the scheme.

The Hon'ble Mr. TARAK NATH MUKHERJEA: The honourable member has again misunderstood the issue. Government intends to take up the scheme but how can they approve of it unless it is finally formulated and presented to Government.

Mr. PRESIDENT: How could the work in this connection be taken in hand without the scheme having been approved?

The Hon'ble Mr. TARAK NATH MUKHERJEA: No work has been taken up by the Irrigation Department.

Mr. PRESIDENT: In view of the statement of Mr. Morgan that some work has been taken up---

The Hon'ble Mr. TARAK NATH MUKHERJEA: May be by the Forest Department; not by the Irrigation Department.

Mr. PRESIDENT: In connection with the scheme Mr. Morgan wants to know whether you have any further information to give.

The Hon'ble Mr. TARAK NATH MUKHERJEA: We have no further information.

Mr. BIREN ROY: In view of the statement of the Hon'ble Minister that Government have not yet accepted the scheme as they have not yet got the details of cost, etc., will it be possible for Government to have the details obtained within a reasonable time, say before June 1948?

The Hon'ble Mr. TARAK NATH MUKHERJEA: Certainly—much earlier than that.

Mr. BIREN ROY: In how many months?

The Hon'ble Mr. TARAK NATH MUKHERJEA: It is rather difficult to say in exactly how many months.

Mr. BIREN ROY: Will the Hon'ble Minister be in a position to state whether Government have accepted the scheme or not by or before June 1948?

The Hon'ble Mr. TARAK NATH MUKHERJEA: I have already said that it will be done much earlier. May be in the course of the year.

Mr. HARIDAS MAZUMDAR: Arising out of answer (a)(vi) "It is proposed to build dams and a barrage on the Teesta at suitable places. Their location and height will be determined on completion of necessary survey and investigation. May I know when the survey and investigation work has commenced?"

The Hon'ble Mr. TARAK NATH MUKHERJEA: I cannot tell it exactly but it is still in progress.

Mr. HARIDAS MAZUMDAR: May I know, Sir, when it will be completed?

The Hon'ble Mr. TARAK NATH MUKHERJEA: Sir, I have already said "in the course of the year".

Mr. HARIDAS MAZUMDAR: The scheme comes after survey.

Damodar Valley Project.

57. Mr. LALIT CHANDRA DAS: (a) Will the Hon'ble Minister in charge of the Department of Irrigation and Waterways be pleased to state whether it is a fact that the setting up of a statutory body under the name and style of the Damodar Valley Corporation with autonomous powers has been decided upon by the Bengal Government in consultation and in co-operation with the Central Government and the Government of Bihar?

(b) Will the Government be pleased to give a short outline of the aims of the project and the benefits likely to accrue to the people of Bengal in carrying it into fruition? What area and how many people are likely to be benefited?

(c) When will the abovenamed Damodar project be carried into execution?

The Hon'ble Mr. TARAK NATH MUKHERJEA: (a) There is a proposal of setting up the corporation, but final decision about it has not yet been taken. The matter will come up for discussion in the next Damodar Conference at Delhi which will be held shortly.

(b) The project envisages the construction of a series of dams and reservoirs, canals, transmission lines, etc., serving the following purposes:—

- (i) Flood control.
- (ii) Irrigation.
- (iii) Generation of power.
- (iv) Navigation.
- (v) Industrial and domestic water-supply.
- (vi) Other related activities.

In Bengal a very large number of people in the districts of Burdwan, Howrah, Hooghly and Bankura will be benefited.

(c) The work is expected to be started as soon as final decision is taken about the matter after the next Damodar Conference and the necessary staff and materials are procured.

Mr. LALIT CHANDRA DAS: Can the Hon'ble Minister adduce any reason why he has changed the answer as pointed in (a) towards the end?

Mr. PRESIDENT: What is it?

Mr. LALIT CHANDRA DAS: My question is if the Hon'ble Minister will please give any reasons to why he has changed the answer in (a) at the end.

The Hon'ble Mr. TARAK NATH MUKHERJEA: Sir, I have only changed the date which was the 13th of February next, because the Conference was postponed as Bihar Ministers could not go to the Conference owing to the no-confidence motion that was being discussed in the Bihar Assembly, and a final date has not yet been fixed—

Mr. LALIT CHANDRA DAS: Did the Hon'ble Minister himself go?

The Hon'ble Mr. TARAK NATH MUKHERJEA: Yes, I was proceeding but was recalled owing to that reason.

Mr. LALIT CHANDRA DAS: Is the Hon'ble Minister aware of any future date for the Conference?

The Hon'ble Mr. TARAK NATH MUKHERJEA: We are in correspondence with Bihar and Delhi, but a final date has not yet been fixed.

Mr. BIREN ROY: Will the Hon'ble Minister please state whether the previous scheme, namely, the Teesta Valley Barrage Scheme and the Damodar Valley Project are practically complementary or similar to each other?

The Hon'ble Mr. TARAK NATH MUKHERJEA: They are independent schemes; one has no connection with the other.

Mr. BIREN ROY: May be independent but they are nonetheless similar projects. Will the Hon'ble Minister therefore be pleased to apprise us of the cost of the projects and might have given us some idea of it while replying to the previous question (No. 56)?

The Hon'ble Mr. TARAK NATH MUKHERJEA: Each case has got to be judged on its own merits and requirements and it is not possible to compare one scheme with another and also to give an idea of the cost.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister please give us an approximate idea of the cost regarding the Damodar Valley Project?

The Hon'ble Mr. TARAK NATH MUKHERJEA: The total scheme including flood control, irrigation, generation of power, will be costing Rs. 55 crores.

Mr. LALIT CHANDRA DAS: Who will bear the whole cost,—what will be Bengal's share of the cost?

The Hon'ble Mr. TARAK NATH MUKHERJEA: The entire scheme will be financed by a loan which the Centre has promised.

Mr. BIREN ROY: Are the Government in a position, if the scheme is not financed by the Centre, to finance this 55-crore scheme independently?

The Hon'ble Mr. TARAK NATH MUKHERJEA: Since the Centre has already agreed to a loan, I submit this question does not arise.

Mr. BIREN ROY: It arises in this way, because it is a similar project to the Teesta Valley Barrage Scheme and we want to know whether this Government will be in a position to finance the scheme which will cost in the neighbourhood of 55 to 60 crores of rupees? If Government will not or may not be in a position to do so, what is the use of spending so much money on investigation, etc.....

The Hon'ble Mr. TARAK NATH MUKHERJEA: That question does not arise in this case, as I have already pointed out.

Mr. LALIT CHANDRA DAS: How much of the cost will the Bihar Government bear?

The Hon'ble Mr. TARAK NATH MUKHERJEA: That has not yet been finally settled, but it is premature to make statement at the present stage regarding cost and other things; details have not yet been finally settled.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister please state if the Damodar Valley Project can be taken up before June, 1948, the date-line?

The Hon'ble Mr. TARAK NATH MUKHERJEA: The work will be taken up as soon as it is finally settled at the next Conference.

Short-notice question.

Mr. HARIDAS MAZUMDAR: I had put in a short-notice question regarding the Tramways strike and the Hon'ble Finance Minister assured me that a statement would be made on it. The matter is very urgent and I understand there is a tussle and a tug of war going on between the Tramways and the Calcutta Corporation with regard to the price of tickets—

Mr. PRESIDENT: What is your point?

Mr. HARIDAS MAZUMDAR: It is this, that the Hon'ble Finance Minister assured me that a statement on the matter would be made—

Mr. PRESIDENT: What assurance? Was any assurance given?

Mr. HARIDAS MAZUMDAR: Yes, Sir, last Monday an assurance was given—

Mr. PRESIDENT: So far as I remember you wanted the Hon'ble Commerce Minister to make a statement but he said that he was not prepared to make a statement—

Mr. HARIDAS MAZUMDAR: Yes, Sir, I mentioned the matter the other day and in reply to that the Hon'ble Finance Minister told the House that when the Hon'ble Mr. Shamsuddin would come on Monday he would make a statement and the Hon'ble Finance Minister promised to mention the matter to him. He also gave me an assurance.

The Hon'ble Mr. MOHAMMED ALI: Yes, I promised to inform the Hon'ble Minister about it, but I did not give him any assurance.

Mr. PRESIDENT: The Hon'ble Minister concerned was not present. So who could give the assurance?

The Hon'ble Mr. MOHAMMED ALI: No, Sir, I could not give him any assurance. As a matter of fact, when on the last day I presented the Budget before the House I had a temperature of 101 and I was not able to contact the Hon'ble Minister in charge—

Mr. HARIDAS MAZUMDAR: Sorry; but will you convey the idea of this House to him today?

The Hon'ble Mr. MOHAMMED ALI: Yes.

Government Bills.

The Bengal Protection and Conservation of Fisheries Bill, 1947.

Mr. PRESIDENT: The second item of today's agenda is the Calcutta Rent Bill and the third item is the Bengal Protection and Conservation of Fisheries Bill. I propose to take up the third item first to give the Hon'ble Minister in charge an opportunity to move the introduction of the Bill.

The Hon'ble Mr. AHMAD HOSSAIN: Sir, I beg to introduce the Bengal Protection and Conservation of Fisheries Bill, 1947, I also beg to give notice to move for consideration of the Bill—

Mr. PRESIDENT: When do you propose to do it?

The Hon'ble Mr. AHMAD HOSSAIN: On the 26th February I gave notice on the 17th.

Mr. PRESIDENT: You want to move for consideration on the 26th, that is, day after tomorrow? But the time is too short. The point is this: I must give some time to the honourable members to put in amendments to the consideration of the Bill and to the clauses of the Bill. Is it a big Bill?

The Hon'ble Mr. AHMAD HOSSAIN: No, Sir, it is a small Bill.

Mr. PRESIDENT: How many clauses?

The Hon'ble Mr. AHMAD HOSSAIN: 11 clauses.

Mr. PRESIDENT: If there is no objection, shall we fix tomorrow for putting in amendments?

Mr. LALIT CHANDRA DAS: No, Sir, the time is very short. We want sufficient time and we would like to take it up in accordance with the Rules.

Mr. PRESIDENT: There is nothing irregular in it.

Mr. LALIT CHANDRA DAS: Of course, Sir, it is your power, unlimited power, but—

Mr. PRESIDENT: I quite understand your point. I must give adequate time to the honourable members but I should also accommodate the Hon'ble Minister to move the Bill at short notice. When do you suggest that the Bill should be moved for consideration? If it is not moved tomorrow then it cannot be moved before the 11th of March. Do you agree to this?

Mr. LALIT CHANDRA DAS: Yes.

The Hon'ble Mr. AHMAD HOSSAIN: Yes.

Mr. PRESIDENT: In that case amendments may be sent in by Saturday next, both to the motion that the Bill be taken into consideration as well as to the clauses of the Bill.

The Calcutta Rent Bill, 1946.

Mr. PRESIDENT: The House will now take up the Calcutta Rent Bill.

The Hon'ble Mr. FAZLUR RAHMAN: Sir, I beg to move that the Calcutta Rent Bill, 1946, be taken into consideration.

Mr. PRESIDENT: That has already been accepted by the House.

Clause 1.

Mr. PRESIDENT: Clause 1 stand part of the Bill.

Mr. NUR AHMED: Sir, I beg to move that in sub-clause (4) of clause 1 of the Bill for the figure "1948" in line 2, the figure "1949" be substituted. This is a very simple amendment the purpose of which is to extend the time-limit. In the original Bill the figure "1949" was put but in the Select Committee it was reduced by one year. At that time it

was thought that the Bill would be passed in the House and put on the statute Book in 1946. Unfortunately owing to certain unforeseen incidents the Bill could not be taken up and passed into law in 1946. So it is necessary that the time-limit should be extended.

Mr. PRESIDENT: Amendment moved that in sub-clause (4) of clause 1 of the Bill for the figure "1948" in line 2, the figure "1949" be substituted.

Mr. LALIT CHANDRA DAS: Sir, I beg to oppose the amendment. The alteration made by the Select Committee, namely, 1948 should remain. After all it is a temporary Bill. The Select Committee has provided that the Provincial Government may, by notification, direct that it shall remain in force for a further period not exceeding three years. When there is already a provision like this there is no meaning in extending this period.

Mr. C. E. CLARKE: Sir, I rise to support this motion. The amendment actually restores the date that originally appeared in the Bill and my reasons for suggesting an additional year are that accommodation in Calcutta and in other large centres is unlikely to be more easily obtainable during the period for which we now seek to retain control. Signs that there will be great distress for people seeking accommodation are already there and it is in our opinion urgently necessary that the control provided for in the Bill should remain.

Mr. BIREN ROY: Sir, I rise to oppose the amendment. Mr. Clarke I think, is sometimes inconsistent. He has already given notices of some amendments which will come up later. Being one of the biggest land lords in Calcutta he thinks that this amendment is not going to hit him for he may have a class of clientele very different from that of ours. He was one of the members of the Select Committee and he was a dissenting voice so also was Mr. Nur Ahmed. I quite appreciate Mr. Nur Ahmed suddenly withdrawing all his amendments to clause 1 which wanted to extend the Bill to some municipalities near about Calcutta where the housing conditions are far more difficult than in Calcutta itself and also to other bigger towns as Howrah, Dacca, Darjeeling and Chittagong on the advice of his party but he has stuck to this thing about "1949" although there is a provision as my honourable friend Mr. Das has pointed out that it will continue to be in force for a period of another three years after 1948 if the Government so chose it. Now June 1948, as we all know is the date when Mr. Clarke or many like him may go away and if they choose to go away many houses will fall vacant and therefore we can move into those houses or those who will desire those houses can move in there and therefore it will not be so very difficult to get much more accommodation than what Mr. Clarke thinks we would get; and besides, the Government are trying to bring in bills like this without looking after those persons who are trying to build houses, those who are trying for some cement or some iron rods for even their own premises instead everything is going to the black-market in spite of the fact that the Central Government has now relieved itself of its responsibility in the matter of discharging all these controls. (Mr. G. MORGAN: No, no.) Steel, at least not cement but steel. Not one single piece of rod can now be purchased in the market at less than four times the controlled price whereas even six months ago when the supply was still difficult with war condition, rice and other things in Calcutta, i.e., when conditions were not so peaceful steel was available and available on permits from the Central Government offices. What is the reason when everything is controlled by this Government here that things disappear. And if you allow the people to buy their small houses they will not go into rent at exorbitant cost which they think of course is exorbitant even when Government is allowing 10 per cent. increment on rentals which prevailed in December 1941 at time when people were willing to give their houses to somebody just

stay in or look after even for a petty sum of money because everybody was leaving Calcutta and most of my friends on the other side also perhaps were not within this territory and such members coming from outside Calcutta being larger in numbers than we the Calcutta members here out-vote us on all practical points, now my suggestion to them would be to acquire all these houses just as they are taking the zemindaris and so on and pay us so that we can clear out. That is the best thing to do and better it is done before June, 1948.

The Hon'ble Mr. FAZLUR RAHMAN: I accept the amendment on the ground that things will not come to normal by September, 1948, and the conditions obtaining now being abnormal sufficient time should be given for this Act to remain in force.

Mr. PRESIDENT: Order, order. The question before the House is that in sub-clause (4) of clause 1 of the Bill for the figure "1948" in line 2, the figure "1949" be substituted.

The question was put and a division taken with the following result:—

AYES—26.

Mr. Nur Ahmed.
Mr. Sultanuddin Ahmed.
Rai Bahadur Dharendra Lal Barua.
Mr. Reajuddin Bhuiya.
Khan Bahadur Syed Abdur Rasid Chowdhury.
Mr. Choudhury Moazzem Hussain.
Mr. Abdul Hamid Chowdhury.
Mr. Syed Fazle Rabbi Chowdhury.
Mr. Yusuf Ali Chowdhury.
Mr. C. E. Clarke.
Mr. E. D. Doyne.
Khan Bahadur Sheikh Fazal Ellahi.
Khan Bahadur A. M. Shahoodul Haque.

Mr. G. J. K. Hook.
The Hon'ble Mr. Salyed Muazzamuddin Hossain.
Mr. Latafat Hossain.
Alhadj Khan Bahadur Shaikh Md. Jan.
Khan Sahib Mobarak Ali Khan.
Mr. Abdul Latiff.
Mr. George Morgan.
Mr. T. B. Nimmo.
Mr. Abdul Rashid.
Mr. Satish Chandra Sen.
Mr. Md. Taufiq.
Khan Sahib Maulvi Wahiduzzaman.
Haji Md. Yusuf.

NOES—8.

Mr. Lalit Chandra Das.
Mr. Hemendra Kumar Das.
Mr. Satish Chandra Jana.
Rai Bahadur Brojendra Mohan Maltra.

Mr. Biren Roy.
Mr. Biswanath Roy.
Mr. Patiram Roy.
Mr. Charu Chandra Sanyal.

Ayes being 26 and Noes 8 the amendment was agreed to.

Alhadj Khan Bahadur SHAIKH MUHAMMAD JAN: Sir, I beg to move that in clause 1 of the Bill, the following be added at the end of sub-clause (4), namely:—

"but it shall not affect the rent of buildings constructed after 1943".

Sir, under the provisions of this Bill which this House is discussing today every house and premises is subject to a standard rent irrespective of the cost of the house or premises, which provides only 10 per cent. increase over the old rent prevailing in 1941. In my opinion this is a great injustice to the landlords and therefore I have suggested in my amendment that those houses which had been constructed after 1943 should be exempted from the purview of this Bill. We are all aware that the cost of living have gone up tremendously during the last five or six years; not only prices of necessities of life have gone up, but also prices of luxuries, such as, gramophones, radios are high, and while we have to pay double, trouble and even more for them, why we insist to line at low rent and why landlords only should suffer and be compelled to receive from their tenants extremely low rents prevailing in 1941. Sir, we all know that the cost of living has gone up very high. There may be some justification for those tenants who are living in a house or premises for a long time and they may argue that as the rent was fixed by the landlords after due consideration of cost of the building they have no right to increase the rent as far less eject

them and let out to other tenants at higher rent, but they forget that many landlords live only on the rents received from their tenants for the houses inherited by the landlords from their forefathers. They have also to maintain their families and it is a great pity that the tenants do not take care that there is a rise in the prices of all commodities. But there is no justification whatsoever for this attitude in the case of those houses which were constructed in 1943 or afterwards or are being constructed now. These newly constructed houses cannot be rented at such a low rent provided in the Bill. Prices of building materials have also gone up very high. Bricks which used to sell at Rs.17 per thousand in pre-war days, are now being sold at Rs.50 to Rs.55 per thousand. Control price of cement is Rs.62 per ton while before the war it was offered and advertised at Rs.35 per ton. Similarly iron rods, beams, etc., were selling at the rate of Rs.7-8 per cwt. and now the control rate is Rs.14 or Rs.15 per cwt. In the same way sand is sold at Rs.105 per 225 cubic feet or 100 maunds but it used to be sold at Rs.22 in pre-war days. Thus the house or the building which could be completed within Rs.20,000 and could fetch a rent of Rs.50 cannot be built now at less than Rs.50,000 and if the rent is fixed at 10 per cent. above the old rate, i.e., at Rs.55 it does not work out at 1½ per cent. for the capital invested in the building. Any one can get for his investment in promissory notes and fixed deposit more than that. Therefore I would suggest that the houses which have been constructed after 1943, during the high cost of building materials, should be exempted from the purview of this Bill, while looking into the interests of the tenants we should not overlook the difficulties of the landlords and house-owners, also. We must do justice to all including the landlords who like the tenants are also the members of our city, and it is the duty of the Legislatures to protect their legitimate interests. With these words I commend my amendment for acceptance by this House.

MR. PRESIDENT: Amendment moved—that in clause 1 of the Bill, the following be added at the end of sub-clause (4), namely:—

“but it shall not affect the rent of buildings constructed after 1943.”

The Hon'ble Mr. FAZLUR RAHMAN: Sir, I oppose this amendment. The amendment is unnecessary in view of the provision that has been made by the Select Committee that the standard rate can be ascertained from the Controller.

MR. PRESIDENT: Order, order. The question before the House is that in clause 1 of the Bill, the following be added at the end of sub-clause (4), namely:—

“but it shall not affect the rent of buildings constructed after 1943.”

The amendment was put and lost.

MR. PRESIDENT: The question before the House is that clause 1 as amended stand part of the Bill.

The question was put and agreed to.

Clause 2.

MR. PRESIDENT: Clause 2 stand part of the Bill.

MR. CHARU CHANDRA SANYAL: Sir, I beg to move that in sub-clause (5) of clause 2 of the Bill, the words “and also includes a room or rooms in an hotel, boarding house or lodging house” be deleted.

The restriction is undesirable because the casual visitors to the city may not find a place to live in. The hotel is generally for temporary accommodation. No encouragement should be given to a boarder to get into a hotel and taking advantage of this Act to stick on to the inconvenience of others. In that case the hotels would fail to serve the purpose,

the primary function of a hotel that is to cater to the needs of the casual visitors. Those coming from outside would not get any accommodation. They will have to stay on the footpaths which is most undesirable and nobody would like it. The boarding houses and the lodging houses also share the same fate. Of course to keep these boarding houses and hotels under check there is the Bengal Hotel and Lodging House Control Order. This order is sufficient to keep these houses under check. So I move "and also include a room or rooms in an hotel, boarding house or lodging house" be deleted.

Mr. PRESIDENT: Order, order. Amendment moved that in sub-clause (5) of clause 2 of the Bill, the words "and also includes a room or rooms in an hotel, boarding house or lodging house" be deleted.

Mr. LALIT CHANDRA DAS: Sir, I rise to support the amendment moved by Mr. Charu Chandra Sanyal. My reasons are that the above establishments should be free to take in visitors or patients and not have tenants forced on them. Consequences of this restriction are bound to be undesirable, for in many cases visitors to the city may find themselves stranded and in other cases patients may have to go without treatment for want of accommodation. With these words I support the amendment.

Rai Bahadur JOGENDRA CHANDRA ROY: The arguments already advanced by my friend, Mr. Lalit Chandra Das, are also supported by me and I support the amendment.

The Hon'ble Mr. FAZLUR RAHMAN: Sir, I oppose the amendment because I find that no case has been made out really for it, for the result will be really otherwise. There is a class of people who come to the city for visits or rather for necessity for a temporary period and they cannot under this amendment get any accommodation except at a very exorbitant rate, and if this rate is not controlled, it will go hard with them and therefore this class of people will require protection and as such I oppose the amendment.

Mr. PRESIDENT: The question before the House is that in sub-clause (5) of clause 2 of the Bill, the words "and also includes a room or rooms in an hotel, boarding house or lodging house" be deleted. The question was put and a division taken with the following result:—

AYES—10.

Mr. Lalit Chandra Das.
Mr. Hemendra Kumar Das.
Alhaj Khan Bahadur Shaikh Md. Jan.
Mr. Satish Chandra Jana.
Rai Bahadur Jogendra Mohan Maltra.

Rai Bahadur Jogendra Nath Ray.
Mr. Biren Roy.
Mr. Biswanath Roy.
Mr. Patiram Roy.
Mr. Charu Chandra Sanyal.

NOES—28.

Mr. Nur Ahmed.
Mr. Sultanuddin Ahmed.
Rai Bahadur Dhirendra Lal Barua.
Mr. Reajuddin Bhuiya.
Khan Bahadur Syed Abdul Rasid Chowdhury.
Mr. Choudhury Moazzem Hussain.
Mr. Abdul Hamid Chowdhury, J.P.
Mr. Syed Fazle Rabbi Chowdhury.
Mr. C. E. Clarke.
Mr. D. J. Cohen, O.B.E.
Mr. E. D. Doyne.
Khan Bahadur Sheikh Fazle Ellahi.
The Hon'ble Mr. Abdul Gofran.
Khan Bahadur A. M. Shahoodul Haque.

Mr. G. J. K. Hook.
The Hon'ble Mr. Saiyed Muazzamuddin Hossain.
Mr. Latafat Hossain.
Mr. Alhaj Yar Ali Khan.
Khan Sahib Mobarak Ali Khan.
Mr. Abdul Latiff.
Mr. George Morgan, C.I.E.
Mr. T. B. Nimmo.
Mr. Abdul Rashid.
Mr. Amulyadhane Roy.
Miss Ethel Robertson, C.S.P.
Mr. Md. Taufiq.
Khan Sahib Maulvi Wahiduzzaman.
Haj Md. Yusuf.

The Ayes being 10 and the Noes 28 the motion was lost.

Mr. ABDUL HAMID CHOWDHURY: Sir, I have given notice of several amendments but I shall move only 12 and 19. I do not propose to move the other amendments. As regards 12 and 19 if the Hon'ble Minister is agreeable to consider these amendments these two amendments may be held over.

Mr. PRESIDENT: Suppose other amendments in this clause are accepted, what will be the repercussion of them on your amendments?

Mr. ABDUL HAMID CHOWDHURY: There will be no repercussion.

Rai Bahadur JOGENDRA NATH RAY: Sir, I beg to move that in sub-clause (5) of clause 2 of the Bill, after the words "lodging house" in line 11, the words "let on daily or weekly rent basis" be inserted.

Mr. SULTANUDDIN AHMED: This amendment (No. 14) is virtually the same as amendment No. 19 which stands in your name and it has already been decided that amendments Nos. 19 and 12 will stand over. So taking that view of the matter 14 may also stand over.

Mr. DEPUTY PRESIDENT: Have you any objection?

Rai Bahadur JOGENDRA NATH RAY: I have got no objection.

Mr. C. E. CLARKE: I beg to move that in sub-clause (5) of clause 2 of the Bill, after the words "lodging house" in line 11, the words "let for a period of not less than one month" be inserted. (Mr. SULTANUDDIN AHMED: This may also be postponed for the present.) Now rates would in all probability be most unfair.

Mr. SULTANUDDIN AHMED: This is also connected with the other amendments postponed a little while ago. So this also may stand over.

Mr. DEPUTY PRESIDENT: Mr. Clarke, will you be agreeable to have your amendment held over for the present?

Mr. C. E. CLARKE: I have no objection to take it up later on if it is the desire of the Deputy President.

Mr. LALIT CHANDRA DAS: Mr. Clarke has already moved it. Will you allow him to continue?

Mr. DEPUTY PRESIDENT: Let me again ask Mr. Clarke. Mr. Clarke, are you agreeable to the postponement of consideration of your amendment?

Mr. C. E. CLARKE: I am quite prepared to carry this to a later stage if it is the wish of the Deputy President.

The Hon'ble Mr. FAZLUR RAHMAN: Inasmuch as Mr. Clarke's amendment relates to clause 2(5) and other amendments to this very sub-clause have already been postponed, I request that all amendments to clause 2 stand over so that I may have a comprehensive view of all the amendments when they are taken up together.

Mr. LALIT CHANDRA DAS: May I offer a suggestion, Sir? Let the Government side take some 10 or 15 minutes now to study those amendments and to come to a decision. So far as Mr. Clarke's amendment is concerned, it is somewhat different from that of yours as well as Jogen Babu's. Yet if they want time to consider over this amendment as well, let them take some time and consider all the amendments to sub-clause (5) of clause 2 together and come to a decision and then meet again. Without doing that if we go on with some of the clauses postponing some of the earlier clauses everything will go disorderly and there will be calling of divisions and losing time for nothing.

The Hon'ble Mr. FAZLUR RAHMAN: All the amendments on sub-clause (5) of clause 2, are interconnected and so let them stand over. That is all what we want.

Mr. BIREN ROY: We cannot go on discussing a Bill piecemeal.

The Hon'ble Mr. FAZLUR RAHMAN: Other amendments, as far as I know, they are not connected with this clause, and we may proceed with the other clauses.

Mr. LALIT CHANDRA DAS: Our objection is that discussion piecemeal of different clauses of the Bill should not be allowed unless the matter is very pressing and urgent. Here we are proceeding with definitions of expressions and we have come up to the stage of the definition of "landlord" and when on the point of discussing the definition of the term "premises" we are stuck up. Why? My submission, Sir, is that if they so liked they could have come prepared and let the House know what the position is? The best thing to do in my opinion is that we adjourn for 10 to 15 minutes so that the Government side may study the amendments held over and come to a decision and then come back and explain to this House what the position is? By so doing we would be proceeding orderly in accordance with what has been laid down in the Order Paper of the day.

Mr. DEPUTY PRESIDENT: Mr. Das, when my amendment was being considered, I think this question should have been raised at that time. As in that case the House postponed the consideration of that amendment, I believe no inconvenience will be caused if the whole clause is now postponed.

Mr. LALIT CHANDRA DAS: If that be your view, Sir, I have no objection.

Clause 2A.

Mr. DEPUTY PRESIDENT: Clause 2A stand part of the Bill.

Mr. CHARU CHANDRA SANYAL: I beg to move that in sub-clause (4)(a) of clause 2A of the Bill, the words "executive or" in line 1, be omitted.

The Controller's functions will be mainly judicial functions and the Executive Branch of the Services should not be entrusted with these functions, for I think that if these functions are placed in the hands of the executive those powers may be abused or misused. And in this view I move that the words "executive or" be deleted.

Mr. DEPUTY PRESIDENT: Amendment moved that in sub-clause (4)(a) of clause 2A of the Bill, the words "executive or" in line 1, be omitted.

Mr. LALIT CHANDRA DAS: I support the amendment of my friend. Sub-clause (4)(a) says "a member of the Executive or Judicial Branch of the Imperial or Provincial Civil Service of not less than ten years' standing in such service" etc., etc. When we find that members of the Judicial Branch of the services may also be taken up as Controller, etc., it is unnecessary to take in executive officers. When there is provision for judicial officers, provision for executive officers is not necessary.

The Hon'ble Mr. FAZLUR RAHMAN: I oppose the amendment, because if the amendment is accepted then it will be difficult to get judicial officers for the post of Controller, Deputy Controller, etc. On the other hand, Subdivisional Officers who are members of the executive services have been appointed by Government to various mofussil municipalities as Controllers and I have received no complaint from the public that they have abused or misused their powers. So I do not see the necessity of the amendment.

Mr. BIREN ROY: Is the Hon'ble Minister giving a hint that he is going to extend this principle to other municipalities also?

Mr. DEPUTY PRESIDENT: The question before the House is that in sub-clause (4)(a) of clause 2A of the Bill, the words "executive or" in line 1, be omitted.

The question was put and a division taken with the following result:—

AYES—10.

Mr. Lalit Chandra Das.
Mr. Hemendra Kumar Das.
Mr. Satish Chandra Jana.
Rai Bahadur Brojendra Mohan Maltra.
Rai Bahadur Jogendra Nath Ray.

Mr. Biren Roy.
Mr. Biswanath Roy.
Mr. Patiram Roy.
Mr. Birendra Kishore Roy Chowdhury.
Mr. Charu Chandra Sanyal.

NOES—26.

Mr. Nur Ahmed.
Mr. Sultanuddin Ahmed.
Rai Bahadur Dharendra Lal Barua.
Mr. Reajuddin Bhuiya.
Khan Bahadur Syed Abdur Rasid Chowdhury.
Mr. Choudhury Moazzem Hussain.
Mr. Hamidul Huq Chowdhury.
Mr. Syed Fazle Rabbi Chowdhury.
Mr. C. E. Clarke.
Mr. E. D. Doyno.
The Hon'ble Mr. Abdul Gofran.
Khan Bahadur A. M. Shahoodul Haque.
Mr. G. J. K. Hook.

The Hon'ble Mr. Salyed Muazzamuddin Hosain.
Mr. Latafat Hossain.
Alhaj Yar Ali Khan.
Khan Sahib Mobarak Ali Khan.
Mr. Abdul Latiff.
Mr. George Morgan.
Mr. T. B. Nimmo.
Mr. Abdul Rashid.
Mr. Amulyadhona Roy.
Mr. Md. Taufiq.
Khan Sahib Maulvi Wahiduzzaman.
Haji Md. Yusuf.
Khan Bahadur Shaikh Fazal Ellahi.

The Ayes being 10 and the Noes 26 the motion was lost.

Mr. C. E. CLARKE: Sir, I beg to move—

Mr. DEPUTY PRESIDENT: Order, order. The question before the House is that clause 2A stand part of the Bill.

The motion was put and agreed to.

Clause 3.

Mr. DEPUTY PRESIDENT: Clause 3 stand part of the Bill.

The question before the House is that clause 3 stand part of the Bill.

The question was put and agreed to.

Clause 4.

Mr. DEPUTY PRESIDENT: Clause 4 stand part of the Bill.

The question before the House is that clause 4 stand part of the Bill.

The question was put and agreed to.

New Clause 4A.

Mr. CLARKE: Sir, I beg to move that after clause 4, the following new clause be inserted, namely:—

"4A. (1) Where, as the result of any alteration of the terms of the tenancy, the terms, on which any premises are held, are on the whole less favourable to the tenant than the previous terms, the rent shall be deemed to be increased within the meaning of his Act, whether the sum payable as rent is increased or not.

(2) Where, as the result of any alteration of the terms of the tenancy, the terms, on which any premises are held, are not on the whole less favourable to the tenant than the previous terms, the rent shall not be deemed to be increased within the meaning of this Act, whether the sum payable as rent is increased or not."

In moving this amendment, Sir, I have to admit that the first portion is definitely to the advantage of the tenant but relying on the clause empowering the Rent Controller to fix standard rents at rates to be just and fair, members of my party are unanimously of the opinion that the amendment should be passed. It is in any event borrowed from the Rent Act of 1920. Sub-clause (2) if passed goes in favour of the landlord and together with the previous sub-clause gives an added improvement to the Bill. I therefore move this amendment confident that my honourable colleagues will give their support.

MR. DEPUTY PRESIDENT: Amendment moved that after clause 4, the following new clause be inserted, namely:—

“4A. (1) Where, as the result of any alteration of the terms of the tenancy, the terms, on which any premises are held, are on the whole less favourable to the tenant than the previous terms, the rent shall be deemed to be increased within the meaning of his Act, whether the sum payable as rent is increased or not.

(2) Where, as the result of any alteration of the terms of the tenancy, the terms, on which any premises are held, are not on the whole less favourable to the tenant than the previous terms, the rent shall not be deemed to be increased within the meaning of this Act, whether the sum payable as rent is increased or not.”

MR. LALIT CHANDRA DAS: On a point of order, Sir. You will kindly permit Mr. Clarke to move the first portion first, namely, 4A(1) and only when this is disposed of he is to move the second portion, namely, 4A(2), because the first one is in favour of the landlord and the other is in favour of the tenant as he has himself stated. Now if a division is called then there may be some who may support 4A(1) and but may be opposed to 4A(2), and hence there may be confusion. Therefore in moving this amendment he should not be allowed to move the two parts together. In one amendment he has moved two parts, 4A(1) and 4A(2), together and this is wrong. I should think because according to Mr. Clarke himself one portion of his amendment is in favour of tenants and the other is in favour of landlords; therefore the two should be moved separately.

MR. HAMIDUL HUQ CHOWDHURY: I think Mr. Clarke wants a balanced decision of the House.

MR. DEPUTY PRESIDENT: What I propose to do in this connection is this: that I shall allow discussion on both the portions together but if it is decided by the House to that effect, I may put them to vote separately.

MR. LALIT CHANDRA DAS: Sir, it is for you to decide whether the whole amendment should be put in part or in whole. We on this side of the House are of the opinion that they should go separately.

The Hon'ble Mr. MUAZZAMUDDIN HOSAIN: I think that both should go together. Let us know what is Mr. Clarke's intention.

MR. C. E. CLARKE: Sir, I am of opinion that they should both be taken together.

MR. DEPUTY PRESIDENT: If that is his opinion, then they will go together.

MR. LALIT CHANDRA DAS: May I submit my view on this matter, Sir? It does not matter what Mr. Clarke's intention or opinion is? The House is in possession of his amendment and the House has a mind of its own. The intention of the mover cannot decide the course which the House ought to take or wants to take. In respect of his amendment he has told

us that one of its parts has been moved in the interest of the tenants and another in the interest of the landlords. We put it to you whether it would be fair to put them together or separately. One bloc may support the portion which is in favour of the tenants and another bloc may support the portion which is in favour of the landlords and there may yet be another bloc which may support or oppose both the portions, but I should think that it is just and fair that you should put them separately to vote.

MR. DEPUTY PRESIDENT: I think that is the business of the mover himself.

MR. BIREN ROY: Sir, speaking on this amendment, (Mr. HAMIDUL HUQ CHOWDHURY: which portion?), I do not know which portion but speaking with regard to the amendment which has been moved by Mr. Clarke, as I have already pointed out, Mr. Clarke does not know his own mind. He is a landlord himself and by pressing matters in this way he has made it very difficult for us not only to decide but also to act. In this amendment he has placed two parts which go counter to each other and so will not allow us to act wisely. In clause 4 which has been already passed control has been given to an authority to alter the standard rent according to additions and improvements carried out in respect of premises let out to tenants, and here Mr. Clarke puts in something that in a way, supposing developments have been made in such a way that, really, the Controller should increase the rent, Mr. Clarke would immediately come in, but at the same time if it is favourable to the tenants, even then he would not sit idle. So that there is this dual position. I want to see how Mr. Clarke behaves through the proceedings on this Bill.

MR. HAMIDUL HUQ CHOWDHURY: On a point of order, Sir. Is the examination of Mr. Clarke's conduct the subject of the debate?

MR. BIREN ROY: Well, Sir, that is between Mr. Clarke and myself. Mr. Hamidul Huq Chowdhury should not intervene.

The Hon'ble Mr. FAZLUR RAHMAN: Sir, I oppose the amendment moved by my friend Mr. Clarke. In clause 2 we really give this loop-hole to the landlords so there is no need for this amendment and I oppose the whole amendment.

MR. DEPUTY PRESIDENT: The question before the House is that after clause 4, the following new clause be inserted, namely,—

The Hon'ble Mr. FAZLUR RAHMAN: Sir, if the honourable member wishes to withdraw his amendment he may be permitted to do so—

MR. LALIT CHANDRA DAS: No, Sir, I object to this. The amendment is being put to the vote now and it cannot be withdrawn at this stage.

MR. DEPUTY PRESIDENT: Yes. The question before the House is that after clause 4, the following new clause be inserted, namely:—

- “4A. (1) Where, as the result of any alteration of the terms of the tenancy, the terms, on which any premises are held, are on the whole less favourable to the tenant than the previous terms, the rent shall be deemed to be increased within the meaning of this Act, whether the sum payable as rent is increased or not.
- (2) Where, as the result of any alteration of the terms of the tenancy, the terms, on which any premises are held, are not on the whole less favourable to the tenant than the previous terms, the rent shall not be deemed to be increased within the meaning of this Act, whether the sum payable as rent is increased or not.”

The motion was put and a division taken with the following result:—

AYES—15.

Mr. C. E. Clarke.	Mr. T. B. Nimmo.
Mr. Lalit Chandra Das.	Rai Bahadur Jogendra Nath Ray.
Mr. Hemendra Kumar Das.	Mr. Biren Roy.
Mr. E. D. Doyne.	Mr. Biswanath Roy.
Mr. C. J. K. Hook.	Mr. Patiram Roy.
Mr. Satish Chandra Jana.	Mr. Charu Chandra Sanyal.
Rai Bahadur Brojendra Mohan Maitra.	Mr. Satish Chandra Sen.
Mr. George Morgan.	

NOES—20.

Mr. Nur Ahmed.	Khan Bahadur A. M. Shahoodul Haque.
Mr. Sultanuddin Ahmed.	The Hon'ble Mr. Sayed Moazzamuddin
Rai Bahadur Dharendra Lal Barua.	Hosain.
Mr. Reajuddin Bhuiya.	Mr. Latafat Hossain.
Khan Bahadur Syed Abdur Rasid Chowdhury.	Alhaj Yar Ali Khan.
Mr. Choudhury Moazzem Hussain.	Khan Sahib Mobarak Ali Khan.
Mr. Hamidul Haq Chowdhury.	Mr. Abdul Latiff.
Mr. Syed Fazle Rabbi Chowdhury.	The Hon'ble Mr. Tarak Nath Mukerjee.
Khan Bahadur Sheikh Fazal Ellahi.	Mr. Abdul Rashid.
The Hon'ble Mr. Abdul Gofran.	Mr. Md. Taufiq.
	Haji Md. Yusuf.

Ayes being 15 and Noes being 20 the motion was lost.

Clause 5.

Mr. DEPUTY PRESIDENT: Clause 5 stand part of the Bill

The question before the House is that clause 5 stand part of the Bill.

The motion was put and agreed to.

Clause 6.

Mr. DEPUTY PRESIDENT: Clause 6 stand part of the Bill.

Khan Bahadur A. M. SHAHOODUL HUQUE: Sir, I beg to move that for clause 6, the following clause be substituted, namely:—

"6. No person shall, in consideration of the grant, renewal or continuance of a tenancy of any premises—

(a) claim, receive or invite offers or ask for the payment of any premium, *salami*, fine or any other like sum in addition to the rent, or

(b) except with the previous written consent of the Controller, claim or receive the payment of any sum exceeding one month's rent of such premises as rent in advance."

The reasons which led me to table this amendment are very simple. In the Select Committee Report receiving and claiming of *salami* or any premium has been forbidden. But inviting offers or asking for payment of *salami* or any premium has not been forbidden and it is very necessary that this should be done for it appears that such invitations for offers of *salami*, etc., are going on. I shall read out a notification appearing in the *Statesman*, dated the 9th December, 1946, asking for such *salami* or premium. It runs thus:

Houses and flats.—To let three-storeyed bigger buildings at 46, Chakrabaria Road, North, Bhowanipore, Calcutta, at a system of monthly rent. Lease may extend up to a period of five years. Party is to mention in the application (a) the amount of premium and (b) the amount of monthly rent he is able to pay. Apply to Manager, Khararia Ward Estate, P.O. Khulna, on or before the 1st week of December 1946.

This may not be an isolated case of such demands being made. I have seen it in the *Statesman* and I believe many of my friends have also seen such advertisements in the *Statesman* and in other papers. It is impossible to see a house without payment of such *salami*—we can call it a *salami* to the *darwan* and he won't show the land or the place unless 50 or 60 rupees is paid to him. When we are going to forbid the system of taking money as *salami* or premium I think it is necessary in the public interests that claiming or asking for or inviting offers of *salami*, etc., should also be included in the main provisions of the Bill.

Now, Sir, with regard to part (b) of my amendment, only slight drafting changes have been made to make it more explicit.

With these words I commend my amendment for the acceptance of the House.

Mr. DEPUTY PRESIDENT: Amendment moved that for clause 6, the following clause be substituted, namely:—

“6. No person shall, in consideration of the grant, renewal or continuance of a tenancy of any premises—

(a) claim, receive or invite offers or ask for the payment of any premium, *salami*, fine or any other like sum in addition to the rent, or

(b) except with the previous written consent of the Controller, claim or receive the payment of any sum exceeding one month's rent of such premises as rent in advance.”

Mr. BIREN ROY: I rise to oppose this amendment, Sir, clause 6 is quite explicit and as soon as a person accepts such payment he can be hauled up and in this particular case which my honourable friend is mentioning he perhaps does not know that the Government is asking for the premium. The house is under the management of the Court of Wards. But after all this Government is omnipotent! And therefore my friend should not have brought this up. If a private individual had a mind to take such *salami*, etc., he would not have dared to give it out in the newspapers, at a time when there is the Ordinance and this Rent Act, that he will ask for such premium. Only the Government of Bengal can do it!

The Hon'ble Mr. FAZLUR RAHMAN: Sir, as this amendment is an improvement on clause 6 as drafted, I accept the amendment. His amendment prohibits any claim, or to receive or even to invite offers for the payment of any premium or *salami*, etc., and as all these are consistent with the objectives of the Bill, I accept the amendment.

Mr. DEPUTY PRESIDENT: The question before the House is that—

Mr. BIREN ROY: Sir, there is some irregularity: if this amendment is put at this stage then it would throw out several other amendments.

Mr. DEPUTY PRESIDENT: Order, order. The question before the House is that for clause 6 the following clause be substituted, namely:—

“6. No person shall, in consideration of the grant, renewal or continuance of a tenancy of any premises—

(a) claim, receive or invite offers or ask for the payment of any premium, *salami*, fine or any other like sum in addition to the rent, or

(b) except with the previous written consent of the Controller, claim or receive the payment of any sum exceeding one month's rent of such premises as rent in advance.”

The question was put and a division called. (When the House was

Mr. ABDUR RASHID: Sir, instead of going out every time in this way cannot the division be taken by a show of hands?

Mr. BIREN ROY: We have no such rule in this House.

Division was taken with the following result:—

AYES—28.

Mr. Nur Ahmed.
Mr. Sultanuddin Ahmed.
Rai Bahadur Dhirendra Lal Barua.
Mr. Reajuddin Bhuiya.
Khan Bahadur Syed Abdur Rasid Choudhury.
Mr. Chowdhury Moazzem Hussain.
Mr. Hamidul Huq Chowdhury.
Mr. Syed Fazle Rabbi Chowdhury.
Mr. C. E. Clarke.
Mr. E. D. Doyne.
Khan Bahadur Sheikh Fazal Ellahi.
The Hon'ble Mr. Abdul Gofran.
Khan Bahadur A. M. Shahoodul Haque.
Mr. G. J. K. Hook.

The Hon'ble Mr. Salyed Moazzemuddin Hosain.
Mr. Latafat Hossain.
Alhaj Yar Ali Khan.
Khan Sahib Mobarak Ali Khan.
Mr. Abdul Latiff.
Mr. George Morgan.
The Hon'ble Mr. Tarak Nath Mukerjee.
Mr. T. B. Nimmo.
Mr. Abdul Rashid.
Mr. Amulyadhane Roy.
Mr. Satish Chandra Sen.
Mr. Md. Tauhuq.
Khan Sahib Maulvi Wahiduzzaman.
Haji Md. Yusuf.

NOES—8.

Mr. Lalit Chandra Das.
Mr. Hemendra Kumar Das.
Mr. Satish Chandra Jana.
Rai Bahadur Brojendra Mohan Maitra.

Rai Bahadur Jogendra Nath Ray.
Mr. Biren Roy.
Mr. Biswanath Roy.
Mr. Charu Chandra Sanyal.

The Ayes being 28 and the Noes 8 the motion was carried.

Mr. DEPUTY PRESIDENT: In view of the acceptance of this amendment, amendments Nos. 29 to 35 fall through.

The question before the House is that clause 6 as amended stand part of the Bill.

The motion was put and agreed.

Mr. DEPUTY PRESIDENT: The House stand adjourned till 2-15 p.m. tomorrow.

Adjournment.

The Council then adjourned till 2-15 p.m. on Tuesday, the 25th February, 1947.

Members absent.

The following members were absent from the meeting held on the 24th February, 1947:—

- (1) Mr. Abdulla-al-Mahmud,
- (2) Mr. L. P. S. Bourne,
- (3) Khan Bahadur Abdul Latif Chowdhury,
- (4) Mr. Bankim Chandra Datta,
- (5) Mr. Kamini Kumar Dutta,
- (6) Mr. Mungturam Jaipuria,
- (7) Mr. Humayun Z. A. Kabir,
- (8) Mr. Syed Abdul Majid,
- (9) Mr. Nagendra Nath Mahalanobish,
- (10) Mr. Bijoy Singh Nahar,
- (11) Khan Bahadur Ghyasuddin Pathan,
- (12) Khan Bahadur Mukhlesur Rahman,
- (13) Dr. Kumud Sankar Ray, and
- (14) Dr. Kasiruddin Talukdar.

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1947—No. 10.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Tuesday, the 25th February, 1947, at 2-15 p.m. being the tenth day of the First Session of 1947, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

QUESTIONS AND ANSWERS

Safe deposit scheme.

58. Mr. NUR AHMED: (a) Will the Hon'ble Minister in charge of the Department of Co-operation, Credit and Relief be pleased to state if any "safe deposit scheme" to collect the savings of the poor through the co-operative societies or otherwise has been drawn for Bengal districts and put into operation?

(b) If not, do the Government of Bengal contemplate to draw up such co-operative safe deposit schemes for the benefit of the poor in Bengal?

(c) If not, why not?

(d) Do the Government propose to direct all the co-operative societies in Bengal to introduce a scheme of compulsory deposit for its members on the line of Chittagong Traders Co-operative Bank by suitable amendments in their respective bye-laws and rules?

MINISTER in charge of the DEPARTMENT of CO-OPERATION, CREDIT and RELIEF (the Hon'ble Mr. A. F. M. Abdur Rahman):

(a), (b) and (d) No.

(c) There is already a network of co-operative credit societies in the Province and all members or non-members can keep their savings with these credit societies.

Mr. NUR AHMED: Sir, may I draw the attention of the Hon'ble Minister to (d) of the question where it has been asked "Do the Government propose to direct all the Co-operative Societies in Bengal to introduce a scheme of compulsory deposit for its members on the line of Chittagong Traders Co-operative Bank by suitable amendments in their respective bye-laws and rules?" Now, will the Hon'ble Minister please say whether any such rules should be made making it compulsory on the members to make deposits?

The Hon'ble Mr. A. F. M. ABDUR RAHMÂN: I am sorry, it is against the principle of co-operation. We cannot compel anybody to deposit.

Teesta Valley Barrage scheme.

59. Mr. LALIT CHANDRA DAS (on behalf of Mr. Nagendra Nath Mahalanobish): Will the Hon'ble Minister in charge of the Department of Irrigation and Waterways be pleased to state if the Teesta Valley Barrage scheme is being worked out by survey and collection of the necessary data? If so, when is the survey work likely to be completed and when do the Government expect to start the execution of the work?

MINISTER in charge of the DEPARTMENT of IRRIGATION and WATERWAYS (the Hon'ble Mr. Tarak Nath Mukherjee): Yes. It is too early to say when all the investigations will be completed and the execution of the scheme will start.

Mr. BIREN ROY: Will the Hon'ble Minister please state when the survey began?

The Hon'ble Mr. TARAK NATH MUKHERJEA: Since last year. In this connection I may also make a short statement that possible sites are being investigated for the construction of dams and barrages, in Giellekhol and in other places and geological survey report is also being enquired into to investigate the possibility of damages by earthquake.

The Calcutta Thika Tenancy Bill, 1947.

Mr. PRESIDENT: Order, order. Let us take up the Calcutta Rent Bill.

The Hon'ble Mr. FAZLUR RAHMAN: Before you take it up, Sir permit me to make this motion.

With your permission I beg to introduce the Calcutta Thika Tenancy Bill, 1947, and to give notice that I shall move at short notice at the sitting of the Bengal Legislative Council to be held on the 11th March 1947, that the said Bill be referred to a Select Committee consisting of—

- (1) Mr. Nur Ahmed, M.L.C.,
- (2) Mr. S. M. Taufiq, M.L.C.,
- (3) Haji Mohammad Yusuf, M.L.C.,
- (4) Mr. Latafat Hossain, M.L.C.,
- (5) Mr. D. J. Cohen, M.L.C.,
- (6) Mr. George Morgan, M.L.C.,
- (7) Mr. Amulyadhane Ray, M.L.C.,
- (8) Mr. Biren Roy, M.L.C.,
- (9) Mr. Patiram Roy, M.L.C.,
- (10) Rai Bahadur Brojendra Mohan Maitra, M.L.C., and
- (11) the mover,

with instructions to submit their report by the 26th March, 1947. The number of members whose presence shall be necessary to constitute a quorum shall be five.

The Bill was published in the *Calcutta Gazette, Extraordinary*, of the 17th February, 1947, and necessary number of copies of the Bill was sent to the Bengal Legislative Council Department by the Legislative Department for distribution to the members of the Council.

Mr. PRESIDENT: Any amendments that the Bill be circulated for the purpose of eliciting public opinion thereon, etc., can be put in up to 3 p.m. on the 4th of March.

The Hon'ble Mr. FAZLUR RAHMAN: The amendments may even be for change in the personnel of the select committee that I have suggested.

The Calcutta Rent Bill, 1946.

Mr. PRESIDENT: Now we take up the Calcutta Rent Bill, 1946.

Several amendments on clause 2 were kept postponed yesterday. What about them?

The Hon'ble Mr. FAZLUR RAHMAN: They may stand over also today as Government requires more time to go through them and to come to a decision.

Mr. PRESIDENT: Is that the general opinion that the amendments to sub-clause (5) of clause 2, the consideration of which was postponed yesterday, should be postponed again today as requested by the Hon'ble Minister?

Mr. BIREN ROY: We have no objection.

Mr. PRESIDENT: We will now go to clause 7.

Clause 7.

Mr. PRESIDENT: Clause 7 stand part of the Bill.

The question before the House is that clause 7 stand part of the Bill. The question was put and agreed to.

Clause 8.

Mr. PRESIDENT: Clause 8 stand part of the Bill.

The question before the House is that clause 8 stand part of the Bill. The question was put and agreed to.

Clause 9.

Mr. PRESIDENT: Clause 9 stand part of the Bill.

Mr. CHARU CHANDRA SANYAL: I beg to move that in sub-clause (1) of clause 9 of the Bill, for the words and figures "26th day of June 1943", the words and figures "the 1st day of October 1946" be substituted.

This is the date on which the Calcutta Rent Ordinance of 1946 came into force and it is proper that here also the date should be made 1st day of October 1946, instead of the "26th day of June 1943".

Mr. PRESIDENT: Amendment moved that in sub-clause (1) of clause 9 of the Bill, for the words and figures "26th day of June 1943" the words and figures "the 1st day of October 1946" be substituted.

The Hon'ble Mr. FAZLUR RAHMAN: Sir, I oppose the amendment. In view of the fact that provision for refund exists in the Rent Control Order the clause as amended by the Select Committee should stand.

Mr. PRESIDENT: The question before the House is that in sub-clause (1) of clause 9 of the Bill for the words and figures "26th day of June, 1943", the words and figures "the 1st day of October, 1946" be substituted.

The question was put and lost.

Mr. PRESIDENT: The question before the House is that clause 9 stand part of the Bill.

The question was put and agreed to.

Clause 10.

Mr. PRESIDENT: Clause 10 stand part of the Bill.

Mr. L. P. S. BOURNE: Sir, I beg to move that in clause 10 of the Bill, after sub-clause (1), the following new sub-clause be inserted, namely:—

"(1A) The Controller may on his own initiative, and shall on receipt of information from an interested party that a landlord is claiming or receiving a sum on account of rent in excess of the standard rent for any premises, by order in writing fix the standard rent of any premises leased or about to be leased by any landlord after such enquiry as he may think fit."

Now, Sir, if you will please turn to the Report of the Select Committee on this Bill you will find a note of dissent by my friend Mr. Clarke in which he says "Provision should be made in clause 10 to enable the Controller on his own initiative or on the receipt of reliable information from an interested party to fix the standard rent for any premises....."

Mr. PRESIDENT: May I interrupt Mr. Bourne for a minute? It appears that he read an additional word "shall" after the word "initiative". But what is his actual amendment?

Mr. L. P. S. BOURNE: I am afraid there is a typographical error in the printed form as supplied to us. My original amendment was that the Controller may on his own initiative and shall on receipt of information from an interested party that a landlord is claiming, etc., etc.

Mr. PRESIDENT: Then I think that is all right. You may go on.

Mr. L. P. S. BOURNE: Thank you, Sir. I will read it again—“(1A) The Controller may on his own initiative, and shall on receipt of information from an interested party that a landlord is claiming or receiving a sum on account of rent in excess of the standard rent for any premises, by order in writing fix the standard rent of any premises leased or about to be leased by any landlord after such enquiry as he may think fit”.

Mr. BIJOY SINGH NAHAR: Sir, he has changed the word "than" to "that".....

Mr. PRESIDENT: Yes, that is all right.

Mr. L. P. S. BOURNE: As I was saying, Sir, in the minute of dissent on the Select Committee's report on this Bill, Mr. Clarke says that "provision should be made in clause 10 to enable the Controller on his own initiative or on the receipt of reliable information from an interested party to fix the standard rent for any premises". In clause 10, sub-clause (1) of the Bill, it is provided that the Controller shall, on application by any landlord or tenant, grant a certificate of standard rent and sub-clause (2) of the same clause provides—"on application made to him by any tenant or occupant of a room or rooms in an hotel, boarding house, or lodging house . . .". Now, Sir, this does not go far enough as it leaves out of the question ordinary domestic premises and business offices and we want something in this Bill to provide for the fair use of the Controller's powers with regard to all premises, including private premises, lodging houses and hotels. The amendment that I have suggested has nothing restrictive about it. It merely seeks to widen the powers governing the action of the Controller. I have also provided in this amendment that the Controller may take action on his own initiative. The clause as it stands does not allow the Controller power to take action on his own initiative. He will have to wait until the landlord or the tenant applies for such action. I think, Sir, that this House will accept the view that it is only right that if a Controller is to be appointed he should have sufficient powers to do his own job and to take action as soon as he comes to know of any unfair dealing either on the part of the tenant or on the part of the landlord and that he should therefore take action even if he is not prompted to do so by the tenant who may for various obvious reasons not be willing to bring the matter to his notice. Secondly the amendment provides for application to be made to the Controller to intervene by any person who is an interested party. According to sub-clause (1) of this clause unless and until a person first becomes a tenant he cannot make such application and the Controller cannot take action on his application. That position seems to be entirely unfair. Therefore I have included in this amendment the words "on receipt of information from an interested party". There may be a person who wants to rent new premises and he may also be one of many persons who want the same premises and he knows that the landlord is trying to impose an unfair rent, but he cannot take action under the provision of the Bill

to take action until he becomes a tenant. As I say there may be several other applicants for the same premises and in our view it is only fair that any one of them should be in a position to call upon the Controller to use his power. For these reasons I hope that the Hon'ble Minister and the House will accept my amendment.

Mr. PRESIDENT: Amendment moved that in clause 10 of the Bill after sub-clause (I), the following new sub-clause be inserted, namely:—

“(1A) The Controller may on his own initiative, and shall on receipt of information from an interested party that a landlord is claiming or receiving a sum on account of rent in excess of the standard rent for any premises, by order in writing fix the standard rent of any premises leased or about to be leased by any landlord after such enquiry as he may think fit.”

Mr. BIREN ROY: Sir, I rise to oppose this amendment proposed by our honourable friend, Mr. Bourne. The amendment at first reading seems to be very simple and I thought it was just going to give the Controller additional power of assessing the standard rent of the premises on his own initiative but Mr. Bourne has been very helpful and he has explained what his intentions are and his amendment nearly borders on mischief. He said that interested parties will come—and there may be 5 or 6 parties in certain places—and report to the Controller about the fixation of the standard rent and the Controller may arbitrarily give a decision which may be against the interest of the landlord or even a tenant who is interested in the place. The particular tenant may not come and that tenant may be preferable to the landlord. Now, Mr. Bourne's amendment would be adverse to the interest of both the landlord and a really interested party, a tenant preferable to the landlord. Here in the Bill sufficient power has been given to the Controller to assess the standard rent and clause 10 with all its sub-clauses is very exhaustive. The only thing Mr. Bourne wants here is to remove the landlord from the scene of fixing the standard rent on his own initiative. Why, hasn't he any interest in the renting of his premises. He gives the initiative to the Controller at the instance of the interested parties who need not be tenants but just be interested to harass the house-owner. If they are tenants and if they are oppressed they can certainly go to the Controller for the redress of their grievances. But when one is not a tenant, he certainly should not be allowed to come in to create mischief simply to trouble the Controller with his vexatious application and thereby injure the owner. This is the reason, Sir, why I oppose the amendment.

Mr. BIJOY SINGH NAHAR: Sir, I rise to oppose the amendment. The first thing is that the “Controller may on his own initiative and shall on receipt of information from an interested party that a landlord is claiming or receiving a sum on account of rent in excess of the standard rent for any premises, by order in writing fix the standard rent” Now two things must happen—one is that the Controller has got to take the initiative whether he receives any information or not and the second thing is that he may act after getting the information from the interested parties. In the main Bill there is a provision that the Controller has power to fix the standard rent on application from the tenant. It is queer that the Controller should act on receipt of information from interested parties. Suppose a landlord has given his building, room or a flat to a tenant and a third party comes in and his only interest would be to take advantage of this amendment by resorting to foul means, by adopting objectionable tactics he will want the building and then let it out at an enhanced rent. There are many touts in Calcutta now who are making money out of this sort of practice. Does Mr. Bourne want to help them? These touts will go to the Controller and say things which do not exist and harass the landlords and disgust the Controller and will make money out of these transactions at the cost of the landlords. The Bill has already given enough powers

to the Controller for fixing rent in various ways and I do not think this amendment will in any way help in checking corruption rather it will bring in more complications.

The Hon'ble Mr. FAZLUR RAHMAN: Sir, I oppose the amendment and my reasons are these: With regard to the premises that are rented sub-clause (1) of clause 10 is sufficient. And with regard to the premises that are about to be leased even if the provision is there in the same sub-clause, you cannot compel a landlord to lease out his house to the man who is offering the standard rent. The apprehension of the honourable member Mr. Bourne is: suppose there are five applicants and one of them manoeuvres and tries to offer the landlord a higher rent than the standard rent fixed by the Controller. The other applicants should be allowed to approach the Rent Controller so that he can take action in the matter, if necessary. But for that already provisions are sought to be given by Government in amendment No. 110 which will at a later stage be moved by Khan Bahadur A. M. Shahoodul Huque at the instance of Government and provision is made therein for punishing all malpractices. And I think that amendment would remove the apprehension of the honourable mover who seeks to incorporate his amendment and I would appeal to the honourable member to withdraw his amendment.

Mr. BIJOY SINCH NAHAR: May I ask the Hon'ble Minister one thing? He has explained as a plea for the withdrawal of the amendment of Mr. Bourne that Government has asked a member of their party to put in certain amendments on behalf of Government. I know, Sir, that the Government took the initiative.....

The Hon'ble Mr. FAZLUR RAHMAN: And in view of that amendment which Government are going to accept, this will be unnecessary. That is what I was saying.

Mr. BIJOY SINCH NAHAR: Do the Government realize that they failed to bring all these matters to the notice of the Select Committee and so they are now putting forward certain amendments through certain members?

Mr. PRESIDENT: Mr. Nahar wants to know why these points which have cropped up since could not be thought of and brought before the Select Committee for being thrashed out.

The Hon'ble Mr. FAZLUR RAHMAN: That question cannot arise because, Sir, if in the course of further discussions after the Select Committee finished its labours some new light was thrown on a matter and certain amendments required to be put in either from the Government side or from any other side of the House Government should be prepared to accept them as they are always prepared to accept any reasonable amendment.

Mr. BIREN ROY: Of the Opposition?

The Hon'ble Mr. FAZLUR RAHMAN: Any side if it is reasonable.

Mr. L. P. S. BOURNE: On a point of explanation, Sir. As it is not likely that my amendment will have much luck to be accepted by the House, I rise just on a point of explanation.....

Mr. PRESIDENT: You cannot speak again on this amendment of yours.

Mr. L. P. S. BOURNE: Just in explanation. One particular point was made in the debate—two points in fact. One was that the Controller was.....

Mr. LALIT CHANDRA DAS: Will you give us the right of explanation, Sir?

Mr. PRESIDENT: Mr. Bourne, you may say something only on a point of personal explanation and not refer to the points raised in the debate. Let some member of your party speak on your behalf if you are very keen in offering your explanation.

Mr. L. P. S. BOURNE: I think it better that we leave the matter rest as it is.

Mr. SULTANUDDIN AHMED: When the mover has been requested by the Minister in charge to withdraw his amendment, cannot the member be allowed to have his say, Sir?

Mr. PRESIDENT: No, he cannot even in view of the fact that he has been requested by the Hon'ble Minister in charge to withdraw the amendment. He either withdraws the amendment or sticks to it.

Mr. PRESIDENT: Order, order. The question before the House is that in clause 10 of the Bill, after sub-clause (1), the following new sub-clause be inserted, namely:—

“(1A) The Controller may on his own initiative and shall on receipt of information from an interested party that a landlord is claiming or receiving a sum on account of rent in excess of the standard rent for any premises, by order in writing fix the standard rent of any premises leased or about to be leased by any landlord after such enquiry as he may think fit”.

The question was put and lost.

Mr. PRESIDENT: Mr. Abdul Hamid Chowdhury will now move amendment No. 46.

Mr. LALIT CHANDRA DAS: On a point of order, Sir. So far as this motion is concerned it is connected with other amendments of the Deputy President in relation to clause 2. . . .

Mr. PRESIDENT: Which motion?

Mr. LALIT CHANDRA DAS: The motion which you have just now called upon Mr. Abdul Hamid Chowdhury to move, viz., Nos. 46-47.

Mr. ABDUL HAMID CHOWDHURY: But I am not moving this amendment

Mr. LALIT CHANDRA DAS: In any case there is another gentleman along with him; you cannot escape that responsibility; he may move his amendment.

Mr. PRESIDENT: Yes, Mr. Roy.

Mr. LALIT CHANDRA DAS: But, Sir, can he be allowed to move his amendment just now because it is connected with amendments in relation to clause 2 of the Bill?

Mr. PRESIDENT: Let me examine the point.

Mr. LALIT CHANDRA DAS: This amendment is connected also with amendments Nos. 14, 15, 19, regarding “lodging house” which was postponed.

Mr. PRESIDENT: I think this amendment should stand over. Let us in the meantime examine whether it is out of order or not, because in view of the fact that the House has already accepted the general principle, this will probably be out of order.

Mr. LALIT CHANDRA DAS: Yes, Sir, in that view let it stand over for the time being.

Mr. PRESIDENT: It will have to be considered in connection with amendments to clause 2.

Mr. LALIT CHANDRA DAS: Therefore, Sir, let it stand over instead of immediately ruling it out of order.

Mr. PRESIDENT: Now Mr. Clarke will move amendment No. 48.

Mr. C. E. CLARKE: Should not amendment No. 47A come before mine?

Mr. LALIT CHANDRA DAS: This amendment of Mr. Rashid also should stand over as it relates to the "boarding house" portion.

Mr. PRESIDENT: Yes, this amendment is also connected with clause 2 and should stand over.

Mr. BIJOY SINCH NAHAR: May I suggest, Sir, that all the amendments under clause 10 may stand over.

Mr. PRESIDENT: Yes, let clause 10 stand over. Now we come to clause 11.

Clause 11.

Mr. BIJOY SINCH NAHAR: On a point of order, Sir. The Select Committee has deleted clause 11 altogether. This is a new amendment to clause 11. When there is no clause 11 how can it be an amendment under clause 11?

Mr. PRESIDENT: It is a new clause. It is a new clause proposed by Mr. Nur Ahmed.

Mr. NUR AHMED: Yes, Sir, it is a new clause. I beg to move that the following new clause 11, be added:—

"No distress warrant shall be issued under Chapter VIII of the Presidency Small Cause Courts Act, 1882 and no process under the Code of Civil Procedure, 1908, in execution of decree passed *ex parte* thereunder, shall be issued, either for the attachment of property or for the arrest of any tenant, in connection with the recovery of the rent of any other premises situated in any area to which this Act may apply, unless the person applying for execution, when making his application, swears or affirms by affidavit or otherwise that none of the rent, in respect of which execution is applied for is irrecoverable under this Act".

Sir, Here I find in line 6 there is a mistake. Sir, the word "any" before the word "rent" in line 6 should be substituted with the word "three" and I have read with this correction.

Mr. PRESIDENT: Yes, you can do so.

Mr. NUR AHMED: Sir, I am trying to explain why this clause is necessary. Objection has been raised that this clause does not exist in the Bill, that this was omitted by the Select Committee and as I was a member of the Select Committee I should not have moved an amendment. Unfortunately I was absent and so I did not get any opportunity to express my opinion about it. With all respect to the members of the Select Committee I must say that this is a most important clause which should be retained. "No process in execution of a decree passed thereunder"—this is very important. Such safeguards are in vogue in many of the existing Acts in Bengal. This is a safeguard against recovery of irrecoverable dues by an unscrupulous landlord. My submission is that there are some greedy landlords who may go to court and obtain a decree *ex parte* and then in the claim the sums which are irrecoverable under this Act may be included and the court may not decide whether any portion of the rent is irrecoverable in a *ex parte* judgment. As the suit is decided *ex parte* and there will be none

to point out if portion of the claim is illegal. So such protection against fraud practised upon court is needed. So I move the addition of this new clause for protection of poor tenants. This safeguard is the most important in this Bill specially owing to the fact that there is acute shortage of housing accommodation in Calcutta. We should give this protection to the tenants. With this end in view I move this amendment and I hope this will be accepted by the House.

Mr. PRESIDENT: Amendment moved that the following new clause 11, be added:—

“No distress warrant shall be issued under Chapter VIII of the Presidency Small Cause Courts Act, 1882 and no process under the Code of Civil Procedure, 1908, in execution of a decree passed *ex parte* thereunder, shall be issued, either for the attachment of property or for the arrest of any tenant, in connection with the recovery of the rent of any premises situated in any area to which this Act may apply, unless the person applying for execution, when making his application, swears or affirms by affidavit or otherwise that none of the rent, in respect of which execution is applied for is irrecoverable under this Act.”

Mr. LALIT CHANDRA DAS: Sir, I oppose the amendment moved by Mr. Nur Ahmed. It is an unwarranted attempt on the part of the Government party to give jurisdiction into the hands of the Controller over the Presidency Small Causes Courts or civil courts in Bengal. Whenever a rent suit is brought even if it is done under the provisions of Code of Civil Procedure or under the provisions of the Presidency Small Causes Courts as in Calcutta, certain rules are to be observed. In accordance with those provisions a summons has got to be issued on the tenants against which a decree is obtained by the landlord. If the tenant does not appear and a decree is passed it becomes *ex parte*. No jurisdiction should be given to the Controller to override the decrees which are passed by civil courts as well as by the Presidency Small Causes Courts. Even after getting a decree against a tenant there are remedies which are open to the tenants. That remedy is that as soon as the execution is sought or a notice is issued the tenant may re-appear and apply for revival of the case in the Presidency Small Causes Court or in any other court alleging that no summons was issued or served upon him and again evidence is gone into to prove whether any summons was actually served upon the tenant. If it is proved that no summons was actually served then the court revives the original case and the tenant is given an opportunity of filing his statement and his case is re-heard and the whole thing comes in again. Why then the Controller should be given this power when the tenant has so many remedies. In fact what is sought by the Government here is to make the Controller a Fascist Officer giving him uncontrolled power to deal with cases between the landlords and tenants. Here Government is trying that even where the civil courts or Presidency Small Cause Courts exercise their jurisdiction properly even then they must be interfered with and even then the powers should be given to the Controller to come in and interfere. Here again, Sir, there is another purpose behind it. Now why comes in the question of swearing? It is for the purpose of increasing the revenue; it is for the purpose of indirectly enhancing the revenue to the Government. For no affidavit can be filed without affixing a proper stamp and the stamp that is necessary would be at least one rupee on each affidavit. This also means prolongation of the agonies of the landlord or agonies of the parties, of the landlords and of the tenants in the matter of realization of rent. This was discussed in the Select Committee by us and after some hours discussion we came to the conclusion that this provision should be deleted and that the power of the Presidency Small Causes Court and the power of the Civil Courts should remain in tact and that no power should be given to the Controller

to interfere in any way with the legitimate rights of the civil courts as well as the Presidency Small Causes Court. With these words, Sir, I oppose the amendment of my friend, Mr. Nur Ahmed.

Mr. BIJOY SINGH NAHAR: I also rise to oppose this amendment. Sir, I would have been glad if Mr. Nur Ahmed would have come forward with an amendment of a different type suggesting that at the time of filing the plaint the landlord must mention therein that the rent as claimed is not in excess of the standard rent. But he has not done that. But what he is asking in the amendment is after the case is over at the time of execution of the decree, again the landlord has got to affirm in an affidavit that there has been no increase in the rent. That means, as Mr. Das has said, an indirect way of suggesting additional revenue to the Government. Mr. Nur Ahmed might be thinking that he is going to relieve the tenants by this amendment. But that is not the case, Sir. This cost will be realised from the tenant also because all the expenditure in the case will be realised by an order of the court, the tenant also having to bear the cost in part, and this will be an extra burden on the tenants and there is no safeguard to prevent it because the landlord who files a suite does openly say that such and such is the rent. If there is any objection by the tenant he can naturally at any time go to the Rent Controller and file an objection that the rent demanded is in excess of the standard rate. Therefore the question of an affidavit does not in any way help either the tenant or the landlord. With these words I oppose the amendment.

The Hon'ble Mr. FAZLUR RAHMAN: Sir, I do not understand why Mr. Das was so vehement in opposing this clause because I find that it is only a question of swearing an affidavit. The Controller has not at all been introduced into this clause. This is also a power to be exercised by a party before the court, not before the Rent Controller. This gives no power to the Rent Controller in addition. Then again, Sir, this is not a new provision. The same provision is there in the Calcutta Rent Act of 1920. Exactly the same wording as section 13 of the Calcutta Rent Act of 1920 where it is laid down "... shall, when making his application, swear or affirm by affidavit or otherwise that none of the rent in respect of which execution is applied for, is irrecoverable under this Act". Exactly the same terms have been introduced here. And this amendment, I feel, should be accepted because this will have the effect of preventing illegal executions by the landlords by *ex parte* decrees obtained without the knowledge of the tenants by suppressing the facts and it is perhaps within the knowledge of my friend, Mr. Das, who is a lawyer how these things do happen in regard to other cases also not only with regard to rent cases. I accept the amendment.

Mr. PRESIDENT: The question before the House is that the following clause 11 be added:—

"No distress warrant shall be issued under Chapter VIII of the Presidency Small Cause Courts Act, 1882 and no process under the Code of Civil Procedure, 1908, in execution of a decree passed *ex parte* thereunder, shall be issued, either for the attachment of property or for the recovery arrest of any tenant, in connection with the recovery of the rent of any premises situated in any area to which this Act may apply, unless the person applying for execution, when making his application, swears or affirms by affidavit or otherwise that none of the rent, in respect of which execution is applied for, is irrecoverable under this Act."

The question was put and a division taken with the following result:—

AYES—32.

Mr. Abdulla-al-Mahmud.
Mr. Nur Ahmed.
Mr. Sultanuddin Ahmed.

Mr. Syed Badrudduja.
Rai Bahadur Dharendra Lal Barua.
Mr. Reajuddin Bhuiya.

Mr. L. P. S. Bourne.
 Khan Bahadur Syed Abdur Rasid Choudhury.
 Mr. Moazzem Hossain Choudhury.
 Mr. Abdul Hamid Choudhury.
 Khan Bahadur Abdul Latif Chowdhury.
 Mr. Syed Fazle Rabbi Chowdhury.
 Mr. C. E. Clarke.
 Mr. E. D. Doyne.
 Mrs. Labanyaprobha Dutta.
 Khan Bahadur Shaikh Fazal Ellahi.
 Mr. A. M. Shahoodul Haque.
 Mr. G. J. K. Hook.
 The Hon'ble Mr. Salyed Muazzamuddin Hosain.

Mr. Latafat Hossain.
 Mr. Mobarak Ali Khan.
 Mr. Abdul Latif.
 Mr. George Morgan, C.I.E.
 The Hon'ble Mr. Taraknath Mukerjee.
 Mr. T. B. Nimmo.
 Mr. Abdul Rashid.
 Mr. Amulyadhona Roy.
 Mr. Satish Chandra Sen.
 Dr. Kasiruddin Talukdar.
 Mr. Md. Taufig.
 Khan Sahib Maulvi Wahiduzzaman.
 Haji Md. Yusuf.

NOES—10.

Mr. Lalit Chandra Das.
 Mr. Hemendra Kumar Das.
 Mr. Satish Chandra Jana.
 Rai Bahadur Brojendra Mohan Maitra.
 Mr. Bijoy Singh Nahar.

Rai Bahadur Jogendra Nath Ray.
 Mr. Biren Roy.
 Mr. Patiram Roy.
 Mr. Birendra Kishore Roy Chowdhury.
 Mr. Charu Chandra Sanyal.

Ayes being 32 and the Noes 10 the motion was agreed to:—

Clause 12.

Mr. PRESIDENT: Clause 12 stand part of the Bill.

Mr. ABDUL RASHID: Sir, I beg to move that for clause (b) of the proviso to sub-clause (1) of clause 12 of the Bill, the following be substituted, namely:—

“(b) where the tenant has, in the case where there is a contract the terms of which prevent him from subletting the premises without the consent of the landlord, sublet the premises in whole or in part without such consent unless such consent has been unreasonably withheld, or”.

Mr. PRESIDENT: Amendment moved that for clause (b) of the proviso to sub-clause (1) of clause 12 of the Bill, the following be substituted, namely:—

“(b) where the tenant has, in the case where there is a contract the terms of which prevent him from subletting the premises without the consent of the landlord, sublet the premises in whole or in part without such consent unless such consent has been unreasonably withheld, or”.

Mr. BIREN ROY: Sir, Mr. Rashid has not explained what he means by “unreasonably withheld”. The question is that a tenant finding it inconvenient at any time may in order—for whatever reasons to oppress the landlord—here the question of landlord not oppressing the tenant comes in—sublet the place to another person whom he likes and derives a profit out of the transaction at the cost of the landlord. Mr. Rashid very conveniently puts in that there should not be any validity of even a written contract. I think he is ashamed now he has moved his amendment. (Mr. ABDUL RASHID: No.) Well, if anybody can explain the words “unreasonably withheld” we shall have no hesitation in accepting this amendment. But unless we are quite sure of what he actually means by this word “unreasonably” and then the word “withheld” I do not think any member should accept this amendment.

Mr. MOHD. TAUFIQ: Sir, I rise to support the amendment moved by Mr. Rashid. I will explain the word “unreasonably” which has been objected to. It is the custom in Calcutta that the landlord gives his house to a tenant and the tenant sub-lets it in parts but now-a-days due to the profiteering business whenever a landlord gets a chance he tries to oust

the tenant and himself lets it in parts. It is said that the tenant by sub-letting will reap the benefit out of it and why should he alone be benefited? It is not correct. Every sub-tenant has also got the right to approach the Controller and say that the original tenant is charging higher rent and the Controller can remedy it. So there is no question of the tenant or the landlord profiteering. The sub-tenant also can approach the Controller and say that the original tenant is charging undue rent. The question of oppressing the landlord does not arise. With these words I support the amendment.

Mr. LALIT CHANDRA DAS: I would oppose this amendment, Sir, as it implies that there is no sanctity in the contract. There is a contract entered into between the landlord and the tenant under the terms of which the tenant is prevented from sub-letting the premises without the consent of the landlord. Now that sanctity of the terms of such a contract is sought to be violated by this amendment indirectly, by an indirect attack on the contract, inasmuch as it is stated at the end of this amendment "sublet the premises in whole or in part without such consent unless such consent has been unreasonably withheld." The question of withholding consent reasonably or unreasonably cannot and does not arise when there is an express contract between the tenant and the landlord by the terms of which the tenant is prevented from sub-letting the premises. In this view of the matter, Sir, I oppose this amendment.

Mr. C. E. CLARKE: Sir, I rise to support this amendment. Many tenants are placed in very great difficulties due to the fact that they are unable to obtain the sanction of the superior landlords to sub-let and in consequence they may be in danger of losing possession of their premises. The main point on which we place our support is this that a landlord does unreasonably withhold this permission and the reason for doing so is quite often only too obvious and that is to get rid of the tenants who have been in possession for a long time so that he can quite possibly obtain very much larger rents from tenants who will not bring the matter to the notice of Government or to the Rent Controller. With these words, Sir, I support the amendment.

Mr. BIJOY SINGH NAHAR: Sir, I rise to oppose this amendment. What does the amendment mean? It means that the mover wants to create another class of people. There is already a class known as "tenants" and there is a class "landlords". The amendment that has been suggested by Mr. Abdul Rashid seeks to create another class of people as "middlemen" or a tenant having the status of a landlord by sub-letting the house. Why do you agree to create a new class, just as there is the *jotedar* class among the landlords? You want to kill the *zamindari* system and also the *jotedar* class but here you want to create another class just as there is another class, namely, that of *jotedars* in the *zamindari* system. Why I oppose this amendment is this: we find that there may be in a flat three or four rooms, one bath-room and one kitchen, but if the flat is sub-let and divided, then what happens? It will surely happen that the new tenants will not get any proper kitchen and other things and they will go to the Rent Controller and say "Provide us with all these things" and then what will happen? The landlord will have to spend—for getting the same amount of money as rent—a huge sum and at the same time Government will not supply him with any pipes or cement or other building materials at controlled rates, and he will have to get all these in the black market,—of course I do not say that the Parliamentary Secretary does really want to help the black market—for the erection of these things but at the same time they do not release all these building materials, cement and pipes, etc., and they want a new class of men to be put in the position of landlords who will have to do all these things. Suppose a drain system could stand its use by 10 persons only and if a tenant with a membership of ten sub-lets the house to have a profit out of it to another person who has a family of ten

persons also, then the drainage will not work properly, and the tenants will get diseases of all sorts and still you want to help another class of people earning something by unfair means. I would not have mentioned all these things but I know that even responsible persons in the Controller's office—I will not name anybody here—but members of the select committee had discussed the matter and found that there are quite a large number of persons who are earning a huge lot out of this sub-letting business. The main purpose of the committee was to stop this. If a tenant does not for some reason want more than two rooms, let him leave the other rooms to the original landlord and let the landlord divide the premises and let it at the rate of rent which will be fixed by the Controller. But please do not allow this amendment to be carried. It would be doing injury to the public health of this city for maintaining all these things. If you allow another class of landlords to grow up in place of the original landlords that will create more trouble and confusion and I dare say men who have got means and influence will go to the Controller's office and get this and that done. We want the people to live in peace and happily. ("Hear, hear" from the European group) Sir, I hear the words "hear, hear" from the European benches. I may say that many of my European friends are in possession of rented houses and they are earning a huge lot of money by sub-letting, and because their interest is served by the passing of this amendment they are supporting it. By this amendment you will be creating a hell in the city of Calcutta which in respect of health is going from bad to worse.

Mr. SATISH CHANDRA SEN: I regret that I have to differ from my friends on this side of the House and to support the amendment. Sir, the present legislation is purely emergency legislation and not permanent legislation. My friends have raised the question of the sanctimony of the contract and that it will be violated if this piece of legislation is passed. But, Sir, what are we going to do in this particular legislation? Is it not violating the sanctity of contract for the purpose of protecting a class of people who on account of a dearth of houses is in great difficulties and therefore deserves such protection? Can we make any distinction between the case of a lessee and that of sub-lessee in this matter? Both are in difficulties for dearth of houses and require protection. If we accept this amendment protection for the purpose of which this legislation is going to be enacted, will also be extended to a deserving class. I think in case of emergency when people want such protection it must be given. With these words I support the amendment.

The Hon'ble Mr. FAZLUR RAHMAN: Sir, I do not quite follow the arguments of Mr. Nahar, because I do not see how this is going to lead to abuses which this Bill is trying to stop. I do not think there is any room for such abuses as ample provision has been made to stop such abuses and I do not consider that so much argument was necessary in support of this amendment. I support the amendment, and I hope the House will accept it.

Mr. PRESIDENT: The question before the House is that for clause (b) of the proviso to sub-clause (1) of clause 12 of the Bill, the following be substituted, namely:—

- (b) where the tenant has, in the case where there is a contract the terms of which prevent him from subletting the premises without the consent of the landlord, sublet the premises in whole or in part without such consent unless such consent has been unreasonably withheld, or"

The motion was put and agreed to.

Mr. PRESIDENT: There are several amendments—amendments 59 to 72—which fall through because of the acceptance of this amendment.

Mr. BIREN ROY: Sir, I beg to move that in the proviso to sub-clause (1) of clause 12 of the Bill, the following be added at the end of paragraph (c), namely:—

“or has wilfully or negligently caused damages to the premises and refuses to repair such damages or”.

Sir, it is a very simple amendment. Clause (c) reads as follows:—“Where the tenant has been guilty of conduct which is a nuisance or an annoyance to occupiers of adjoining or neighbouring premises”, but Sir, the question is how he can be found guilty of the conduct or how he can be a nuisance. Even if he is found guilty in that way by the occupiers of the adjoining premises, there is nothing to prevent him to be a nuisance to the landlord or even to the building and in many cases it will be found that when damages are caused to the buildings by tenants they refuse to repair it and shoke the responsibility on to the landlord. Now, Sir, when this Bill will be in operation the Controller would have the power within 14 days to ask the landlord to repair such damages caused by the tenants. There is no provision to make an enquiry as to who caused the damage. There should be an enquiry and on enquiry if the tenant is found to have caused the damage he should be made liable for such repairs as would be necessary, and in case he refuses to repair such damages then that should come under what is termed guilty of conduct which is a nuisance or an annoyance to occupiers of adjoining or neighbouring premises, or has wilfully or negligently caused damages to the premises and refuses to repair such damages, or “.....This should be taken as one of the reasons for the landlord to apply to the court for ejecting the particular tenant and for this reason I have put in this amendment. As explanatory to this I have put in amendment No. 100 which will give an idea as to how these damages can be assessed. Now, Sir, landlords have been found to be criminals and their only crime is that the let out buildings and it is the desire that they are to be penalised in every way, short of being sent to jail. They are therefore to be put to all sorts of troubles. This amendment at least removes one of those troubles of the landlords, namely, that of being hauled up for repairs at once or being made responsible for a heavy sum of money as penalty or even forced to pay exorbitant charges on account of repairs for damages caused by his tenant—to be fixed by the Controller. I think, Sir, this simple amendment will be accepted by the Hon'ble Minister in charge.

Mr. PRESIDENT: Amendment moved that in the proviso to sub-clause (1) of clause 12 of the Bill, the following be added at the end of paragraph (c), namely:—

“or has wilfully or negligently caused damages to the premises and refuses to repair such damages, or”.

Mr. LALIT CHANDRA DAS: Sir, I rise to support the amendment moved by my friend, Mr. Roy. It is so very reasonable that I should think that even the opposing side which opposes everything that comes from this side should cease opposing this time. Here the tenant causing damage either wilfully or negligently should be asked to repair and it will be highly improper if that damage is to be repaired by the landlord.

Mr. NUR AHMED: On a point of order, Sir... ..

(Mr. Clarke also rose to speak.)

Mr. PRESIDENT: Yes, Mr. Clarke.

Khan Bahadur ABDUR RASHID CHOWDHURY: Mr. Nur Ahmed has risen on a point of order, Sir. Is it a point of order, Mr. Nur Ahmed?

Mr. NUR AHMED: Yes, Sir. I beg to submit that this amendment is not in order. This amendment is in connection with paragraph (b) of proviso of sub-clause (1) which has been omitted.

Mr. PRESIDENT: We are dealing with (c). So, it is quite in order. Yes, Mr. Clarke.

Mr. C. E. CLARKE: Sir, I have great pleasure in supporting Mr. Biren Roy's amendment. It is a very useful amendment and I think he has argued his case extremely well. With these few words I do support the amendment that is now being made.

The Hon'ble Mr. FAZLUR RAHMAN: Sir, I think the amendment of Mr. Roy is unnecessary in view of the provision that is already there in 12(I)(a) "Provided that nothing in this sub-section shall apply:—

(a) Where the tenant has done any act contrary to the provisions of clause (m) and clause (o) or clause (p) of section 108 of the Transfer of Property Act, 1882....." This covers all the cases of damages, wilful or negligent. I think Mr. Roy will not be able to give one instance which is not covered by this Act. So I oppose the amendment.

Mr. PRESIDENT: The question before the House is that in the proviso to sub-clause (I) of clause 12 of the Bill, the following be added at the end of paragraph (c), namely:—

"or has wilfully or negligently caused damages to the premises and refuses to repair such damages or".

Question was put and a division called. (When the Division bell was ringing.)

Mr. BIREN ROY: On a point of order, Sir. Is it in order for him, I mean Mr. Sen, to come and sit with us but vote against us? The Government Benches are on that side; we are in Opposition. He is crossing the floor several times.

Mr. PRESIDENT: That is all right.

A division was taken with the following result:—

AYES—12.

Mr. C. E. Clarke.
Mr. Lalit Chandra Das.
Mr. Hemendra Kumar Das.
Mr. E. D. Doyne.
Mr. G. J. K. Hook.
Rai Bahadur Brojendra Mohan Maitra.

Mr. George Morgan, C.I.E.
Mr. Bijoy Singh Nahar.
Mr. T. B. Nimmo.
Mr. Biren Roy.
Mr. Patiram Roy.
Mr. Charu Chandra Sanyal.

NOES—24.

Mr. Nur Ahmed.
Mr. Sultanuddin Ahmed.
Rai Bahadur Dhirendra Lal Barua.
Mr. Reajuddin Bhuiya.
Khan Bahadur Syed Abdur Rasid Choudhury.
Mr. Moazzem Hossain Chaudhury.
Khan Bahadur Abdul Latif Chowdhury.
Mr. Syed Fazle Rabbi Chowdhury.
Mrs. Labanyaprobha Dutta.
Khan Bahadur Sheikh Fazal Ellahi.
The Hon'ble Mr. Abdul Gofran.
Khan Bahadur A. M. Shahoodul Haque.

The Hon'ble Mr. Salyed Muazzamuddin Hosain.
Mr. Latafat Hossain.
Khan Sahib Mobarak Ali Khan.
Mr. Abdul Latif.
The Hon'ble Mr. Tarak Nath Mukerjee.
Mr. Abdul Rashid.
Mr. Amulyadhane Roy.
Mr. Satish Chandra Sen.
Dr. Kasiruddin Talukdar.
Mr. Md. Taufig.
Khan Sahib Maulvi Wahiduzzaman.
Haji Md. Yusuf.

Ayes being 12 and Noes 24 the motion was lost.

Mr. NUR AHMED: I beg to move that for clause 13 of the Bill, the following.....

(At this stage Mr. Abdul Rashid went to Mr. Nur Ahmed and spoke something to him.)

Mr. BIREN ROY: On a point of order, Sir. Is it in order for Mr. Rashid to go over to Mr. Nur Ahmed and make suggestions?

Mr. PRESIDENT: He is a member of his own party and there is nothing wrong in making suggestions to him. I do not see any objection to it.

Clause 13.

Mr. NUR AHMED: I beg to move that for clause 13 of the Bill, the following be substituted as clauses 13, 14 and 15, namely:—

13. *Suit or proceeding for eviction not to be instituted and possession of premises not to be recovered without previous permission of the Controller in certain cases.*—(1) No suit or proceeding by a landlord against a tenant in possession of any premises for eviction of such tenant therefrom in which any of the grounds specified in clause (d) of the proviso to sub-section (1) of section 12 has been taken as a ground for such eviction shall be entertained by any Court unless the landlord has been permitted by the Controller by an order in writing under sub-section (3) to institute such suit or proceeding and has produced before such Court proof that such permission has been granted. [Cf. The Calcutta House Rent Control Order, 1943, paragraph 9A and the Bengal House Rent Control Order, 1942, paragraph 10A.]

(2) If in any suit or proceeding by a landlord against a tenant in possession of any premises for eviction of such tenant therefrom, a decree or order for the recovery of possession of such premises has been made before the date of commencement of this Act on any of the grounds specified in clause (c) of the proviso to sub-paragraph (1) of paragraph 9 of the Calcutta House Rent Control Order, 1943, or in clause (c) of the proviso to sub-paragraph (1) of paragraph 10 of the Bengal House Rent Control Order, 1942, but the possession of such premises has not been recovered from the tenant, the execution of such decree or order shall be stayed until the landlord produces before the Court by which such decree or order may be executed or in which such execution is pending, as the case may be, proof that he was permitted by the Controller appointed under the Calcutta House Rent Control Order, 1943, or the Bengal House Rent Control Order, 1942, as the case may be, to institute such suit or proceeding or to prosecute such suit or proceeding or to recover possession of such premises by the execution of such decree or order or that he has been permitted by the Controller by an order in writing under sub-section (3) to recover possession of such premises by the execution of such decree or order.

(3) A landlord who desires to obtain from the Controller,—

(a) any order referred to in sub-section (1) permitting him to institute a suit or proceeding referred to in that sub-section against a tenant in possession of any premises for evicting such tenant therefrom, or

(b) any order referred to in sub-section (2) permitting him to recover possession of the premises in respect of which any decree or order referred to in the said sub-section has been made by the execution of such decree or order,

shall apply in writing to the Controller in that behalf, and if, on receipt of such application, the Controller, after giving the tenant in possession of the premises an opportunity for showing cause against the application and after considering all the circumstances of the case, is satisfied,—

(i) in the case referred to in clause (a) that there is sufficient cause to hold that any of the grounds specified in clause (d) of the proviso to sub-section (1) of section 12 which has been taken by the landlord as a ground for eviction of the tenant in such suit or proceeding exists and

(ii) in the case referred to in clause (b) that it is a fit case for the landlord to recover possession of the premises by execution of the decree or order referred to in that clause on any of the grounds referred to therein on which such decree or order has been made, the Controller shall, after recording his reasons in writing, make the order applied for, and, if the Controller is not so satisfied, he shall, also after recording his reasons in writing, make an order rejecting the application.

(4) The Controller may, before making under sub-section (3) any order referred to in sub-section (2) permitting a landlord to recover possession of any premises by the execution of a decree or order, allow such time as he considers necessary to the tenant to vacate the premises and to deliver possession thereof to the landlord.

14. *Suit or proceeding for eviction for non-compliance with the provisions of the Act as to payment of rent.*—(1) No suit or proceeding by a landlord against a tenant in possession of any premises for eviction of such tenant therefrom, in which non-compliance with the provisions of this Act as to the payment or deposit of rent due by such tenant in respect of such premises to the full extent allowable by this Act within the time specified in that behalf in this Act has been taken as a ground for such eviction, shall be entertained by any Court unless the landlord has been permitted by the Controller by an order in writing under sub-section (2) to institute such suit or proceeding and has produced before such Court proof that such permission has been granted. [Cf. The Calcutta House Rent Control Order, 1943, paragraph 9B and the Bengal House Rent Control Order, 1942, paragraph 10A.]

(2) A landlord desiring to obtain from the Controller any order referred to in sub-section (1) permitting him to institute a suit or proceeding referred to in that sub-section against any tenant in possession of any premises for evicting such tenant therefrom shall apply in writing to the Controller in that behalf, and if, on receipt of such application, the Controller, after giving the tenant in possession of the premises an opportunity of showing cause against the application and considering all the circumstances of the case, is satisfied that there has been no such non-compliance with the provisions of this Act as to the payment or deposit of rent due by such tenant in respect of such premises, or that reasonable grounds exist for such non-compliance, and if the tenant has paid to the landlord or has deposited in the manner in which a deposit of rent is required to be made under sub-section (1) of section 16 the rent allowable by this Act in arrear before an order under this sub-section is made, the Controller shall, after recording his reasons in writing, make an order rejecting the application, but, if the Controller is not so satisfied or if the tenant has not so paid or deposited the rent allowable by this Act in arrear, the Controller shall, also after recording his reasons in writing, make the order applied for.

15. *Stay of suit and proceeding for eviction of a tenant pending appeal against order permitting landlord to institute or prosecute such suit or proceeding.*—Where any appeal has been presented under section 24 against an order of the Controller under sub-section (3) of section 13 or under sub-section (2) of section 14 permitting a landlord to institute a suit or proceeding in any Court or against an order of the Controller under sub-section (3) of section 13 permitting a landlord to recover possession of any premises by the execution of a decree or order, all proceedings in connection with such suit or proceeding or the execution of such decree or order, shall be stayed during the period such appeal is pending on intimation of such appeal being given to the Court in which such suit or proceeding has been instituted or such suit or proceeding or the execution of such decree or order is pending, as the case may be, by the person by whom such appeal has been presented. [Cf. The Calcutta House Rent Control Order, 1943, paragraph 9D.]

Sir, by this amendment I want to restore the clauses which were in the original bill. These three clauses have been omitted by the Select Committee and a new clause has been substituted by the Select Committee to cover all these three clauses. These clauses, particularly 13 and 14 relate to the procedure as to how to get permission from the Controller and I think that was a very easy and less costly procedure, advantageous and convenient to the landlord and also to the tenant and it was less costly at the same time. Now the procedure which has been provided in the bill by the Select Committee will prove very costly and very much harassing and obstructive to the tenant.

Mr. BIREN ROY: On a point of order, Sir. The question is that there are many amendments to clause 13 and Mr. Ahmed is putting in clauses 13, 14 and 15 all together in one amendment. Is this in order, Sir? He can put in 13 first and carry on with it.

Mr. PRESIDENT: I think that is quite in order. He can move his own amendment and if his amendment is carried the other amendments will fall through.

Mr. BIJOY SINCH NAHAR: We have taken up clause 13 and not clauses 14 and 15.

Mr. PRESIDENT: Mr. Nur Ahmed is not moving amendments to bill clauses 14 and 15. He has moved an amendment to bill clause 13 only, to replace it by his suggested clauses 13, 14 and 15. He has simply said that such and such be substituted for bill clause 13. Yes, Mr. Nur Ahmed.

Mr. NUR AHMED: As I was saying Sir, this will be advantageous both for the tenant and also for the landlord and my amendment seeks to simplify the procedure and to provide safeguards for the tenant. So I commend my amendment for the acceptance of the House.

Mr. PRESIDENT: Order, order. Amendment moved that for clause 13.....

The Hon'ble Mr. FAZLUR RAHMAN: I would request Mr. Nur Ahmed to withdraw his amendment in view of the Government being prepared to accept the amendments to be moved by Mr. Clarke on this clause.

Mr. NUR AHMED: In view of the statement made by the Hon'ble Minister I beg leave of the House to withdraw this amendment.

Mr. PRESIDENT: In any case I have got to place it before the House. Now the house is in seizin of the amendment. Mr Nur Ahmed has moved it.

Amendment moved that for clause 13 of the Bill, the following be substituted as clauses 13, 14 and 15, namely:—

13. *Suit or proceeding for eviction not to be instituted and possession of premises not to be recovered without previous permission of the Controller in certain cases.*—(1) No suit or proceeding by a landlord against a tenant in possession of any premises for eviction of such tenant therefrom in which any of the grounds specified in clause (d) of the proviso to sub-section (1) of section 12 has been taken as a ground for such eviction shall be entertained by any Court unless the landlord has been permitted by the Controller by an order in writing under sub-section (3) to institute such suit or proceeding and has produced before such Court proof that such permission has been granted. [Cf. The Calcutta House Rent Control Order, 1943, paragraph 9A and the Bengal House Rent Control Order, 1942, paragraph 10A.]

(2) If in any suit or proceeding by a landlord against a tenant in possession of any premises for eviction of such tenant therefrom, a decree or order for the recovery of possession of such premises has been made before the date of commencement of this Act on any of the grounds specified

in clause (c) of the proviso to sub-paragraph (1) of paragraph 9 of the Calcutta House Rent Control Order, 1943, or in clause (c) of the proviso to sub-paragraph (1) of paragraph 10 of the Bengal House Rent Control Order, 1942, but the possession of such premises has not been recovered from the tenant, the execution of such decree or order shall be stayed until the landlord produces before the Court by which such decree or order may be executed or in which such execution is pending, as the case may be, proof that he was permitted by the Controller appointed under the Calcutta House Rent Control Order, 1943, or the Bengal House Rent Control Order, 1942, as the case may be, to institute such suit or proceeding or to prosecute such suit or proceeding or to recover possession of such premises by the execution of such decree or order or that he has been permitted by the Controller by an order in writing under sub-section (3) to recover possession of such premises by the execution of such decree or order.

(3) A landlord who desires to obtain from the Controller,—

- (a) any order referred to in sub-section (1) permitting him to institute a suit or proceeding referred to in that sub-section against a tenant in possession of any premises for evicting such tenant therefrom, or
- (b) any order referred to in sub-section (2) permitting him to recover possession of the premises in respect of which any decree or order referred to in the said sub-section has been made by the execution of such decree or order,

shall apply in writing to the Controller in that behalf, and if, on receipt of such application, the Controller, after giving the tenant in possession of the premises an opportunity for showing cause against the application and after considering all the circumstances of the case, is satisfied,—

- (i) in the case referred to in clause (a) that there is sufficient cause to hold that any of the grounds specified in clause (d) of the proviso to sub-section (1) of section 12 which has been taken by the landlord as a ground for eviction of the tenant in such suit or proceeding exists, and
- (ii) in the case referred to in clause (b) that it is a fit case for the landlord to recover possession of the premises by execution of the decree or order referred to in that clause on any of the grounds referred to therein on which such decree or order has been made,

the Controller shall, after recording his reasons in writing, make the order applied for, and, if the Controller is not so satisfied, he shall also after recording his reasons in writing, make an order rejecting the application.

(4) The Controller may, before making under sub-section (3) any order referred to in sub-section (2) permitting a landlord to recover possession of any premises by the execution of a decree or order, allow such time as he considers necessary to the tenant to vacate the premises and to deliver possession thereof to the landlord.

14. *Suit or proceeding for eviction for non-compliance with the provisions of the Act as to payment of rent.*—(1) No suit or proceeding by a landlord against a tenant in possession of any premises for eviction of such tenant therefrom, in which non-compliance with the provisions of this Act as to the payment or deposit of rent due by such tenant in respect of such premises to the full extent allowable by this Act within the time specified in that behalf in this Act has been taken as a ground for such eviction, shall be entertained by any Court unless the landlord has been permitted by the Controller by an order in writing under sub-section (2) to institute such suit or proceeding and has produced before such Court proof that such permission has been granted. [Cf. The Calcutta House Rent Control Order, 1943, paragraph 9B and the Bengal House Rent Control Order, 1942, paragraph 10AA.]

(2) A landlord desiring to obtain from the Controller any order referred to in sub-section (1) permitting him to institute a suit or proceeding referred to in that sub-section against any tenant in possession of any premises for evicting such tenant therefrom shall apply in writing to the Controller in that behalf, and if, on receipt of such application, the Controller, after giving the tenant in possession of the premises an opportunity of showing cause against the application and considering all the circumstances of the case, is satisfied that there has been no such non-compliance with the provisions of this Act as to the payment or deposit of rent due by such tenant in respect of such premises, or that reasonable grounds exist for such non-compliance, and if the tenant has paid to the landlord or has deposited in the manner in which a deposit of rent is required to be made under sub-section (1) of section 16 the rent allowable by this Act in arrear before an order under this sub-section is made, the Controller shall, after recording his reasons in writing, make an order rejecting the application, but, if the Controller is not so satisfied or if the tenant has not so paid or deposited the rent allowable by this Act in arrear, the Controller shall, also after recording his reasons in writing, make the order applied for.

15. *Stay of suit and proceeding for eviction of a tenant pending appeal against order permitting landlord to institute or prosecute such suit or proceeding.*—Where any appeal has been presented under section 24 against an order of the Controller under sub-section (3) of section 13 or under sub-section (2) of section 14 permitting a landlord to institute a suit or proceeding in any Court or against an order of the Controller under sub-section (3) of section 13 permitting a landlord to recover possession of any premises by the execution of a decree or order, all proceedings in connection with such suit or proceeding or the execution of such decree or order, shall be stayed during the period such appeal is pending on intimation of such appeal being given to the Court in which such suit or proceeding has been instituted or such suit or proceeding or the execution of such decree or order is pending, as the case may be, by the person by whom such appeal has been presented. [Cf. The Calcutta House Rent Control Order, 1943, paragraph 9D.]

Mr. PRESIDENT: Is it the pleasure of the House to grant leave to Mr. Nur Ahmed to withdraw his amendment?

Mr. LALIT CHANDRA DAS and Mr. BIREN ROY: No, Sir.

Mr. PRESIDENT: It has been objected to. So it will be put to the vote.

The Hon'ble Mr. FAZLUR RAHMAN: Yes, Sir, it may be put to the vote and Government will have to vote against it.

Mr. PRESIDENT: To save the time of the House I need not read the amendment again.

The question before the House is the amendment No. 79A of Mr. Nur Ahmed.

The motion was put and lost.

Mr. LALIT CHANDRA DAS: Mr. Nur Ahmed your amendment is lost. Come over to our side.

Mr. PRESIDENT: I think we better stop here today. The House stands adjourned till 2-15 p.m. tomorrow.

Adjournment.

The Council then adjourned till 2-15 p.m. on Wednesday, the 26th February, 1947.

1947.]

MEMBERS ABSENT.

Members absent.

The following members were absent from the meeting held on the 25th February, 1947:—

- (1) Mr. Yusuf Ali Chowdhury,
- (2) Mr. Kamini Kumar Dutta,
- (3) Mr. Mungturam Jaipuria,
- (4) Mr. Humayun Z. A. Kabir,
- (5) Mr. Mobarak Ali Khan,
- (6) Mr. Syed Abdul Majid,
- (7) Mr. Nagendra Nath Mahalanobish,
- (8) Khan Bahadur Ghyasuddin Pathan,
- (9) Khan Bahadur Mukhlesur Rahman,
- (10) Mr. Biswanath Roy, and
- (11) Miss Ethal Robertson, C.S.P.

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1947—No. 11.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Wednesday, the 26th February, 1947 at 2-15 p.m. being the eleventh day of the First Session of 1947, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

Programme of Business.

Mr. ABDULLA-AL-MAHMUD: Sir, may I draw your attention to the programme of business that we have received up to now which shows that there will be business on the 3rd and 4th March and the House will adjourn and then again meet on the 10th March. I think members on both sides of the House are of the opinion that it will be convenient if the House does not sit on the 3rd and 4th so that members who come from mofussil will not be required to come again on 3rd and 4th and then again go and again come back on the 10th March. I would request you to give us this recess.

Mr. PRESIDENT: Mr. Abdulla-al-Mahmud, my attention was drawn to this request yesterday but I regret to say that I did not agree with your views and my reasons are these: We shall start the general discussion of the Budget from the 27th and there will be General Discussion of the Budget on the 28th also and then we adjourn and take up the general discussion of the Budget again on the 3rd and 4th March, that is on Monday and Tuesday next. Now, it is very necessary that the Budget Discussion should be continuous as far as possible. It is a privilege of this House to discuss the Budget. This House has no right to vote on the demand for grants and it is assumed that Government will take decision on the Budget in the light of discussion of the Budget here. I believe that the voting on the demand for grants in the other place will start on the 12th March. So, if we postpone the general discussion of the Budget till 10th March we shall hardly give Government chance to consider the opinion expressed on the Budget in this House. (Mr. BIREN ROY: Do they ever take into consideration our views on the Budget Discussion?) (Mr. HARIDAS MAZUMDAR: That is a farce of a debate and therefore the general discussion of the Budget can be postponed.) Well, it is entirely for the House to decide that. I am just drawing your attention to the fact that it is a privilege of the House to discuss the Budget and my advice to the House would be to take the matter seriously, namely, the General Discussion of the Budget.

Mr. HARIDAS MAZUMDAR: We do not take the discussion seriously at all.

Mr. PRESIDENT: You should, Mr. Mazumdar.

Mr. HARIDAS MAZUMDAR: That is your opinion, Sir, and we may have our own opinion.

Mr. PRESIDENT: However, I would suggest that the general discussion of the Budget should be continuous. If you postpone the discussion after 28th and then take up discussion on the 10th March then there

will be a big gap, a gap of one week and the Hon'ble the Finance Minister will not get sufficient time to base his reply in the other House in the light of the discussion here.

Mr. ABDULLA-AL-MAHMUD: There will be time sufficient for the Hon'ble Minister to embody our views on the Budget in the course of his reply to the other House.

Mr. PRESIDENT: Well, it is not for me to press my views on you. I am entirely in the hands of the House. It is for you to say what you want at the same time it is my duty to advise that the House should take the General Discussion of the Budget very seriously and it is your privilege to criticise the Budget in a manner which would enable the Government to shape their policy in the light of the discussion that takes place here. Personally, my opinion is quite contrary to the suggestion. May I hear Mr. Lalit Chandra Das's views in this matter?

Mr. LALIT CHANDRA DAS: Sir, I have consulted the members of my party and they have no objection to postpone the discussion of the Budget.

Mr. PRESIDENT: There is no question of objection.

Mr. LALIT CHANDRA DAS: Inasmuch as they are anxious to have holidays we do not stand in their way.

Mr. PRESIDENT: It is the privilege of the Opposition to take part in the discussion of the Budget.

Mr. LALIT CHANDRA DAS: Tomorrow and the day after, we are to discuss the Budget and these days are not affected. The Government party is anxious to have holidays only on the next two allotted days, namely, the 3rd and 4th March. To this we can possibly have no objection.

Mr. HARIDAS MAZUMDAR: I also agree with the views of Mr. Lalit Chandra Das.

Mr. G. MORGAN: I object to the proposal before the House. Perhaps it is one way of postponing discussion on the Budget on the second two allotted days. I don't know if this postponement is to prove that discussion by this House is a "farce" as remarked by an honourable member.

The Hon'ble Mr. MOHAMMED ALI: We shall have no objection to whatever is the desire of the House as a whole. If it would be convenient to the majority of members to have the Budget discussion postponed after the first two days debate tomorrow and the day after, Government can possibly have no objection. I agree with the views you hold and expressed, that it would be desirable from the point of view of the importance of the House to have the discussion, continuously for some days, but, for the convenience of the members if a postponement is desired we won't object.

Mr. HARIDAS MAZUMDAR: What about the Accounts Committee? We have not heard anything since about the constitution of the Accounts Committee with this House represented on it?

Mr. PRESIDENT: At present that is not before the House, Mr. Mazumdar. If it is the desire of the House that the Budget discussion should be postponed by ten days it is for the Government to alter the dates accordingly.

Mr. ABDUL RASHID: On the 27th and 28th of this month, namely, tomorrow and the day after, we are having the discussion. It is only in respect of the last two days we want a slight postponement.

QUESTIONS AND ANSWERS

Board of Agriculture, Veterinary and Animal Husbandry.

61. Mr. G. MORGAN: (a) Will the Hon'ble Minister in charge of the Department of Agriculture, Forests and Fisheries be pleased to state if he is aware—

(i) that the term of office of the Board of Agriculture, Veterinary and Animal Husbandry expired in August, 1946; and

(ii) that the Board has not yet been reconstituted?

(b) Is it proposed to reconstitute the Board of Agriculture, Veterinary and Animal Husbandry?

(c) If so, when?

(d) If not, why not?

Mr. ABDUR RASHID, Parliamentary Secretary (on behalf of the Minister in charge of the Department of Agriculture, Forests and Fisheries):

(a)(i) Yes.

(ii) The Board has just been reconstituted as the Board of Agriculture and Fisheries with three wings, Agriculture, Veterinary and Fisheries.

(b) to (d) Do not arise.

Mr. HARIDAS MAZUMDAR: Will the Parliamentary Secretary let the House know what are the names of the members of the Board of Agriculture already constituted?

Mr. ABDUL RASHID: I cannot tell you that offhand. I have not got the list with me.

Mr. BIREN ROY: Will the Parliamentary Secretary be pleased to state that the Board of Veterinary which expired in August, 1946 and since reconstituted cannot find a place to sit and cannot even house their office and is advertising for a place for the last one year and is it a fact that no landlord is going to give a house to house this office on account of the rigours of the Rent Control Order? "

Mr. ABDUL RASHID: I have got no such information.

Bengal State-Aid to Industries Amendment Bill.

62. Mr. NUR AHMED: (a) Will the Hon'ble Minister in charge of the Department of Commerce, Labour and Industries be pleased to state whether it is a fact that a comprehensive Bengal State-Aid to Industries Amendment Bill was drafted by the last Ministry and even notice was given for its introduction in the Bengal Legislative Council?

(b) Do the Government of Bengal propose to introduce a comprehensive Amending Bill as promised by the last Ministry?

(c) If so, when?

MINISTER in charge of the DEPARTMENT of COMMERCE, LABOUR and INDUSTRIES (the Hon'ble Mr. Shamsuddin Ahmed): (a) and (b) Yes.

(c) In the next Session.

The Calcutta Rent Bill, 1946.

Mr. HARIDAS MAZUMDAR: What about a statement from the Hon'ble Minister, Sir, in the matter of the tramway workers strike that is going on still?

Mr. PRESIDENT: I cannot allow you to put a short-notice question as I must now pass on to the Calcutta Rent Bill.

Mr. HARIDAS MAZUMDAR: The Finance Minister is fortunately here and he may assure us when he is coming forward with such a statement.

Mr. PRESIDENT: It is for him to say whether he is prepared to assure you or not. Let us now take up the amendments that were postponed on sub-clause (5) of clause 2.

Clause 2.

Mr. PRESIDENT: As regards amendment No. 12 I do not think it arises in view of the fact that Nos. 10 and 11 were lost. Similar is the case with regard to No. 13. No. 14 therefore may be moved. Rai Bahadur Jogendra Chandra Ray.

Rai Bahadur JOGENDRA CHANDRA RAY: Sir, I beg to move that in sub-clause (5) of clause 2 of the Bill, after the words "lodging house" in line 11, the words "let on daily or weekly rent basis" be inserted.

Sir, there are two kinds of boarders, some permanent and others casual. Casual visitors visit the city for purposes of business, for purposes of pleasure or for temporary halt *en route* to their destination. If a hostel is to serve the primary purpose of accommodating casual visitors the number of permanent visitors should not be allowed to be increased beyond a certain proportion; otherwise it will be very difficult for casual visitors to find accommodation. If this amendment is not accepted, it will give encouragement to boarders to get into a hotel ostensibly for temporary accommodation and then take advantage of the Act and stick on to the inconvenience of genuine visitors. I therefore commend my amendment to the acceptance of the House.

Mr. PRESIDENT: Amendment moved that in sub-clause (5) of clause 2 of the Bill, after the words "lodging house" in line 11, the words "let on daily or weekly rent basis" be inserted.

Mr. BIREN ROY: Sir, I rise in support of this amendment which is a very reasonable one and I think the Hon'ble Minister will find his way to accept it, because of the fact that, otherwise, as the Bill is being framed, landlords will try to take advantage of this by going into hotels and boarding houses and lodging houses and occupying all the rooms there, because that is the only way whereby they can have a place where to lay their hands. But if this is done on a weekly basis, that may be stopped.

Mr. LALIT CHANDRA DAS: Sir, I rise to support the amendment. In the Delhi legislation on this subject a similar provision with regard to the hotels has been found. In fact, unless these words are inserted, those who come and would like to stay in hotels will find it difficult for want of accommodation if all the seats in hotels, etc., are occupied by permanent boarders, and the very purpose of hotels will be frustrated thereby.

The Hon'ble Mr. FAZLUR RAHMAN: Sir, I oppose the amendment. I do not see any reason why the rooms let on a monthly basis should be excluded from the operation of the Bill.

Mr. PRESIDENT: The question before the House is that in sub-clause (5) of clause 2 of the Bill, after the words "lodging house" in line 11, the words "let on daily or weekly rent basis" be inserted.

The motion was put and a division taken with the following result:—

AYES—13.

Mr. Lalit Chandra Das.
Mr. Hemendra Kumar Das.
Mr. Bankim Chandra Dutta.
Mr. Satish Chandra Jana.
Rai Bahadur Brojendra Mohan Maltra.
Mr. Nagendra Nath Moholanabish.
Mr. Bejoy Singh Nahar.

Rai Bahadur Jogendra Nath Ray.
Mr. Biren Roy.
Mr. Patiram Roy.
Mr. Birendra Kishore Roy Chowdhury.
Mr. Charu Chandra Sanyal.
Mr. Satish Chandra Sen.

NOES—24.

Mr. Abdulla-al-Mahmud.
 Mr. Nur Ahmed.
 Mr. Sultanuddin Ahmed.
 Rai Bahadur Dharendra Lal Barua.
 Mr. Reajuddin Bhuiya.
 Mr. L. P. S. Bourne.
 Mr. Moazzem Hussain Chowdhury.
 Mr. Abdul Hamid Chowdhury.
 Mr. C. E. Clarke.
 Mr. D. J. Cohen.
 Mr. E. D. Doyno.
 Mrs. Labanyaprova Dutta.
 Khan Bahadur A. M. Shahoodul Haque.

Mr. G. J. K. Hook.
 The Hon'ble Mr. Salyed Muazzamuddin
 Hussain.
 Mr. Latafat Hossain.
 Khan Sahib Mobarak Ali Khan.
 Mr. Abdul Latif.
 Mr. George Morgan.
 Mr. Tarak Nath Mukerji.
 Mr. T. B. Nimmo.
 Mr. Abdur Rashid.
 Miss Ethel Robertson.
 Maulvi Wahiduzzaman.

Ayes being 13 and Noes 24 the motion was lost.

Mr. C. E. CLARKE: Sir, I beg to move that in sub-clause (5) of clause 2 of the Bill, after the words "lodging house" in line 11, the words "let for a period of not less than one month" be inserted.

Sir, this clause as it now reads is likely to prove unfair and disadvantageous to travellers in transit and in inserting this amendment we seek to be more precise and definite in regard to the definition of "premises". With these words, Sir, I commend my amendment for the acceptance of the House.

Mr. PRESIDENT: Amendment moved that in sub-clause (5) of clause 2 of the Bill, after the words "lodging house" in line 11, the words "let for a period of not less than one month" be inserted. (The Hon'ble Mr. Fazlur Rahman was saying something to the President.)

The Hon'ble Mr. FAZLUR RAHMAN: Sir, does this amendment arise in view of the decision of the House on the previous amendment?

Mr. LALIT CHANDRA DAS: We cannot follow what he is saying.

Mr. PRESIDENT: The Minister was trying to point out whether in view of the decision given by the House on the previous amendment of Rai Bahadur Jogendra Nath Ray, this amendment arises. That is the question; is it not?

The Hon'ble Mr. FAZLUR RAHMAN: Yes, Sir.

Mr. PRESIDENT: It is a thing in which there may be differences of opinion. I cannot disallow it.

Mr. LALIT CHANDRA DAS: I support this amendment of Mr. Clarke. But I fail to understand the logic why these gentlemen, the Europeans, went over to the other block while the House was voting on the previous amendment. Possibly, Sir, he wanted to have the honour seeing his own amendment carried. Well, we will give him our unstinted support to this; we do not grudge it. But still I would like to know from him whether these words "let for a period of not less than one month" which he wants to be inserted by his amendment, qualify the word "lodging house" only or they also apply to "hotel, and boarding house". Assuming that his intention is that these words should qualify all the three namely "hotel, boarding house and lodging house", I have no hesitation in supporting him. At least by virtue of this amendment travellers from outside may have an opportunity of getting some accommodation in a hotel. With these words I support him.

Mr. NAGENDRA NATH MAHALANOBISH: Sir, I should like to support this amendment though the other amendment, No. 14, has been lost, as whatever we get in the form of some advantage over the official view we should welcome it. The point here is whether anybody getting into a boarding house for an hour or two is entitled to claim protection from eviction. I submit, Sir, that the law as proposed in this Bill would be so very

harsh and so very unreasonable that no sensible legislator should proceed on the terms which have been adopted in the final Bill. Therefore, though you may not restrict it to a weekly or daily basis, but at least those who remain at a hotel for a period not less than one month should have the protection. Something is better than nothing.

Now, Sir, what is the object of this protection? The object is that persons who are at a hotel or a boarding house with the consent of the owners of the establishments for a period of at least one month, they and they only should have protection because, obviously, they came to the boarding house for some business or purpose which would require them stay there for at least a month or more. If so, it would be unreasonable for owners of hotels or lodging houses to ask them to pay any amount at their pleasure. It is in order to prevent that position that Mr. Clarke has very wisely brought forward this amendment and I submit it is a very very reasonable amendment and it should be accepted by the House and the Government; otherwise it would be extremely difficult to find any room in any boarding or lodging house.

The Hon'ble Mr. FAZLUR RAHMAN: Sir, I feel that there is some misapprehension in the minds both of the mover of the amendment and of the honourable member who spoke last. The question of eviction does not arise at all. Those who take a tenancy on a weekly, or daily basis or for ten days or a period like that, at the end of that period, their tenancy is terminated and therefore no question of eviction under clause 12 arises. Accordingly, this ground should not be put forward by honourable members.

As regards the question of rent, that a hotel or a lodging house should charge as he likes, a person who is in need of accommodation. Take the case of a patient, who comes to Calcutta for treatment for two or three days. Now the hotel owner finding him in a helpless condition would like to charge him very high rates. Should this House allow the hotel-owner to do so? It will be simply allowing the hotel-owner or owner of lodging houses to exploit the necessity of the people. I pointed out on a previous occasion that necessity of persons should not be allowed to be exploited, and that is the main object of this Bill. Because there is not sufficient accommodation there has been felt this necessity for a Rent Control Bill. If you really go into the spirit of the Bill, then I believe the House will agree with me that this amendment should not be pressed. In this view I would appeal to the honourable mover not to press his amendment.

Mr. PRESIDENT: The question before the House is that in sub-clause (5) of clause 2 of the Bill, after the words "lodging house" in line 11, the words "let for a period of not less than one month" be inserted.

The question was put and a division taken with the following result:—

AYES—19.

Mr. L. P. S. Bourne.
Mr. C. E. Clarke.
Mr. Lalit Chandra Das.
Mr. Hemendra Kumar Das.
Mr. Bankim Chandra Datta.
Mr. E. D. Doyne.
Mr. G. J. K. Hook.
Mr. Satish Chandra Jana.
Rai Bahadur Brojendra Mohon Maitra.
Mr. Nagendra Nath Mahalanobish.

Mr. George Morgan.
Mr. Bejoy Singh Nahar.
Mr. T. B. Nimmo.
Rai Bahadur Jogendra Nath Ray.
Mr. Biren Roy.
Mr. Patiram Roy.
Mr. Birendra Kishore Roy Chowdhury.
Mr. Charu Chandra Sanyal.
Mr. Satish Chandra Sen.

NOES—20.

Mr. Abdulla-al-Mahmud.
Mr. Nur Ahmed.
Mr. Sultanuddin Ahmed.
Rai Bahadur Dharendra Lal Barua.
Mr. Reajuddin Bhuiya.

Mr. Moazzem Hussain Chowdhury.
Mr. Abdul Hamid Chowdhury.
Khan Bahadur Abdul Latif Chowdhury.
Mr. Syed Faziul Rabbi Chowdhury.
Mrs. Labanyapova Dutta.

Khan Bahadur A. M. Shahoodul Haque.
The Hon'ble Mr. Saiyed Muazzamuddin-
Hossain.
Mr. Latafat Hossain.
Khan Sahib Mobarak Ali Khan.
Mr. Abdul Latif.

Mr. Tarak Nath Mukerjee.
Mr. Abdur Rashid.
Dr. Kasiruddin Talukdar.
Mr. Md. Taufig.
Khan Sahib Maulvi Wahiduzzaman.

Ayes being 19 and the Noes 20 the motion was lost.

Mr. NAGENDRA NATH MAHALANOBISH: Sir, I beg to move that in sub-clause (5) of clause 2 of the Bill, the words "at variable rents at different seasons of the year" be deleted.

Sir, it appears that the draftsman of this Bill has actually omitted to include the stalls in a market as defined in clause (39) of section 3 of the Calcutta Municipal Act, 1923, but then he has qualified it by the words "at variable rents at different seasons of the year". It is extremely difficult at least for me to understand what difference does it make whether a stall is let out on a certain rent or at some tolls, fixed or variable. All stalls are stalls and whether the rent will vary or not will depend upon the seasons, the demand and various other circumstances which have got nothing to do with the principle of control of rent. As we all know, these stalls are very often abandoned, have to be frequently improved, altered and there are several other factors which go to make the stalls entirely different from any room or any house that is let out from day to day or from month to month or from year to year. The point is that if you really want to exclude stalls why do you qualify some like this "at variable rents at different seasons of the year" and exclude them only? I submit, Sir, that "stalls" ought to be excluded altogether without qualifying it in any way whatsoever and I will be very anxious to hear the Hon'ble Minister on this point as to what particular interest is there to have the stalls qualified in a way in which it has been sought to be done in this definition, for the purpose of excluding those stalls only. As honourable members will readily perceive, there has never been any case with regard to these stalls—at least I have not come across any case and I believe it will be the experience of other honourable members; there has never been any complaint with regard to exaction by the market owners or others with regard to these stalls. They are carrying on business in the market and there is really no guarantee that they would really attend every market on every day or that they would stick to a particular stall for all time to come. These are in the nature of temporary occupations and they settle between themselves and the market-owners what their rents should be. I therefore submit, Sir, that it has been very unwise to qualify the stalls by these words "at variable rents at different seasons of the year". Now supposing you have got "at variable rents" without having that qualification "at different seasons of the year" you can conceive easily that the rent is variable but that does not necessarily vary with the seasons; it varies with other circumstances. But here stalls "at variable rents at different seasons of the year" they will alone be excluded. So I submit, Sir, that these qualifications ought to be removed and the clause ought to read like this "• • •", but does not include a stall let for the retail sale of goods, etc.". That would be reasonable and that ought to be acceptable for the House. I therefore commend this amendment for the acceptance of the House.

Mr. PRESIDENT: Order, order. Amendment moved that in sub-clause (5) of clause 2 of the Bill, the words "at variable rents at different seasons of the year" be deleted.

The Hon'ble Mr. FAZLUR RAHMAN: Sir, I oppose the amendment, the reason being that a standard rate cannot be fixed for this kind of stalls. Take the case of a fruit stall. Now they have variable rents in the different seasons of the year according to the kind of seasonal fruit that is sold there in the stall and therefore as the rents are varied at the different seasons of

the year a standard rent for the year cannot be fixed for such stalls. With regard to the other stalls the same consideration does not arise and therefore they are not excluded from the operation of this Bill.

Mr. LALIT CHANDRA DAS: I support the amendment—

Mr. PRESIDENT: You ought to have got up before the Hon'ble Minister replied. I will now put the question.

The question before the House is that in sub-clause (5) of clause 2 of the Bill, the words "of variable rents at different seasons of the year" be deleted.

The question was put and lost.

Mr. C. E. CLARKE: Sir, I beg to move that in sub-clause (5) of clause 2 of the Bill, the words "or a room or rooms in a hospital, sanatorium, convalescent home, infirmary or residential club" be added at the end.

Sir, I do not consider that this amendment needs any enlargement. The desirability is obvious and I do not think it is the intention of Government to interfere with arrangements relating to hospitals, sanatorium and like institutions or domestic affairs of residential clubs. The amendment improves this clause and I submit it to the House without further comment.

Mr. PRESIDENT: The amendment moved that in sub-clause (5) of clause 2 of the Bill, the words "or a room or rooms in a hospital, sanatorium, convalescent home, infirmary or residential club" be added at the end.

Mr. BIREN ROY: Sir, on behalf of this party I wholeheartedly support the amendment. I need not add any further word.

Mr. NAGENDRA NATH MAHALANOBISH: I support the motion. As Mr. Clarke has very aptly said, this amendment does not require any elaboration, but still I would like to say a few words as to why there should be an amendment like this. In order to clear up the matter, let us suppose that there are rooms in hospitals, paying rooms, where a patient is allowed to stay on on payment of certain charges for the rooms and he gets medical aid close at hand, and the question that will arise unless this amendment is accepted, is whether they do or do not come within the purview of this Bill. Would anybody like to interfere in this matter? I think the Hon'ble Minister will agree that those rooms should not be brought within the purview of this Bill.

There is another question which is about sanatoria, convalescent homes, infirmaries or residential clubs; the same question will arise here, for they are sought to be deliberately excluded. Take, for instance, the residential clubs. It is obvious that it is undesirable to bring them within the mischief of the Bill. Now, Sir, what I would like to say on this is that Mr. Clarke wants to exclude them but does not include stalls and other things and a room or rooms in a hospital, sanatorium, infirmary or residential club. I therefore support the amendment.

Mr. SATISH CHANDRA SEN: Sir, I support this amendment, the reason being that the idea of this Act to give protection to certain class of people who want to live in Calcutta. But certainly it is not the intention that by giving protection to this class of people there should be certain difficulties for the institutions which are being run on a different basis. From that point of view this amendment is very reasonable and I support it.

The Hon'ble Mr. FAZLUR RAHMAN: Sir, I oppose this amendment inasmuch as it is not necessary. If you refer to the definition given in the Bill you will find that "premises" means any building or part of a building, or any hut or part of a hut which is or is not intended to be let separately for residential or non-residential purposes" and then it says "• • • also includes a room or rooms in an hotel, boarding house or lodging house but

does not include a stall at variable rents at different seasons of the year''. Therefore the presumption is that these are not included as room or rooms in hotel, etc. This is one ground why this amendment is not necessary. As a matter of fact it is not the intention that the Rent Controller will interfere in these cases. But at the same time there may be difficulty if we expressly provide for it, because a residential house or a lodging house may pass as hotel or sanatorium or residential club. It is very difficult to define what is a sanatorium and what is an infirmary and what is a lodging house. But where there will be a genuine case it will not come under this definition. In this view of the matter I oppose the amendment.

Mr. PRESIDENT: The question before the House is that in sub-clause (5) of clause 2 of the Bill the words "or a room or rooms in a hospital, sanatorium, convalescent home, infirmary or residential club" be added at the end.

The question was put and a division taken with the following result:—

AYES—19.

Mr. L. P. S. Bourne.
Mr. C. E. Clarke.
Mr. Lalit Chandra Das.
Mr. Hemendra Kumar Das.
Mr. Bankim Chandra Datta.
Mr. E. D. Doyne.
Mr. G. J. K. Hook.
Khan Bahadur Shaikh Muhammad Jan.
Mr. Satish Chandra Jana.
Rai Bahadur Brojendra Mohon Maitra.

Mr. Nagendra Nath Mahalanobish.
Mr. George Morgan.
Mr. Bejoy Singh Nahar.
Mr. J. B. Nimmo.
Rai Bahadur Jogendra Nath Ray.
Mr. Biren Roy.
Mr. Patiram Roy.
Mr. Charu Chandra Sanyal.
Mr. Satish Chandra Sen.

NOES—23.

Mr. Abdulla-al-Mahmud.
Mr. Nur Ahmed.
Mr. Sultanuddin Ahmed.
Mr. Syed Badruddoja.
Rai Bahadur Dharendra Lal Barua.
Mr. Reajuddin Bhuiya.
Mr. Moazzem Hosain Chowdhury.
Mr. Abdul Hamid Chowdhury.
Khan Bahadur Abdul Latif Chowdhury.
Mr. Syed Fazle Rabbi Chowdhury.
Mrs. Labanyaprobha Dutt.
The Hon'ble Mr. Abdul Gofran.

Khan Bahadur A. M. Shahoodul Haque.
The Hon'ble Mr. Saiyed Muazzamuddin Hosain.
Mr. Latafat Hossain.
Khan Sahib Mobarak Ali Khan.
Mr. Abdul Latif.
Mr. Tarak Nath Mukherjea.
Mr. Abdur Rashid.
Mr. Amulyadhona Roy.
Dr. Kasiruddin Talukdar.
Mr. Md. Taufig.
Khan Sahib Maulvi Wahiduzzaman.

Ayes being 19 and Noes being 23 the motion was lost.

Mr. PRESIDENT: Mr. Abdul Hamid Chowdhury.

Mr. ABDUL HAMID CHOWDHURY: It stands held over as arranged the other day.

Mr. PRESIDENT: We are on clause 2 now. We are considering those amendments which were held over the other day.

Mr. ABDUL HAMID CHOWDHURY: Not moved, Sir.

Alhadj Khan Bahadur SHAIKH MUHAMMAD JAN: Sir, I beg to move that in sub-clause (7) of clause 2 of the Bill, the following be added at the end of paragraph (a), namely:—

"Provided that if the building was erected after 1943, the increment will be up to 50 per cent. of the rent at which it would have been let in 1943."

The reasons for my moving this amendment are the same as I put forward before, namely, that the cost of constructing a house now is much higher at present than it was, say, 5 years ago. Therefore in the first place it would have been better if the buildings erected after 1943 had been altogether excluded from the purview of this Act. I pleaded on this point

but that has not been accepted by the House. At least this much I want, in view of the tremendous increase in the cost of materials for building a house, that the increase over the standard rent should be up to 50 per cent. and not a mere 10 *per cent.* I hope that this amendment will be accepted by the Government.

Mr. PRESIDENT: Order, order. Amendment moved that in sub-clause (7) of clause 2 of the Bill, the following be added at the end of paragraph (a), namely:—

“Provided that if the building was erected after 1943, the increment will be up to 50 *per cent.* of the rent at which it would have been let in 1943”.

The Hon'ble Mr. FAZLUR RAHMAN: I do not find any justification for this amendment to allow an increase of 50 *per cent.* over the rent for such a building in 1943, for the buildings constructed after 1943. So I oppose it.

Mr. PRESIDENT: Order, order. The question before the House is that in sub-clause (7) of clause 2 of the Bill, the following be added at the end of paragraph (a), namely:—

“Provided that if the building was erected after 1943, the increment will be up to 50 *per cent.* of the rent at which it would have been let in 1943.”

The question was put and lost.

Mr. PRESIDENT: The question before the House is that clause 2 stand part of the Bill.

The question was put and agreed to.

Clause 10.

Rai Bahadur JOGENDRA NATH RAY: Sir, I beg to move that sub-clause (2) of clause 10 be omitted.

Mr. PRESIDENT: Order, order. The Hon'ble Minister desires that clause 10 and 12 should stand over, as he would like to reconsider the matter in the light of the previous amendments. So let this amendment stand over.

Rai Bahadur JOGENDRA NATH RAY: All right, Sir. I have no objection.

Clause 13.

Mr. PRESIDENT: We therefore come to clause 13. Mr. Clarke.

Mr. C. E. CLARKE: Sir, before I move this amendment I ask the permission of the Chair and of the House to let me move my own amendment as well as the amendment No. 83A.

Mr. PRESIDENT: But No. 83A stands in the name of Mr. Abdul Rashid!

Mr. C. E. CLARKE: Yes, Sir, but I ask permission to move that amendment in conjunction with my own amendment.

Mr. PRESIDENT: Why not let Mr. Rashid move his amendment and you move yours as it is, so that while there will be one discussion on both the amendments, they would be put separately? But Mr. Rashid's amendment will be put first.

The Hon'ble Mr. FAZLUR RAHMAN: But a redrafted amendment combining both amendments has been put in by Mr. Clarke.

Mr. PRESIDENT: Is the draft ready? Let me have a copy of it. (A copy of the re-drafted amendment was handed over to the President.) Yes, that will do; it will make the thing much simpler.

Mr. Clarke has redrafted his own amendment incorporating therein amendment No. 83A, that stands in the name of Mr. Abdul Rashid. I take it that there is no objection to Mr. Clarke moving his own amendment in an amended form. Mr. Clarke.

Mr. LALIT CHANDRA DAS: Sir, we have not got amendment No. 83A or even the amended amendment of Mr. Clarke.

Mr. C. E. CLARKE: I beg to move that for clause 13 of the Bill, the following be substituted, namely:—

“13. (1) No suit or proceeding by a landlord against a tenant in possession of any premises for eviction of such tenant therefrom in which any of the grounds specified in clauses (b) and (d) of the proviso to sub-section (1) of section 12 has been taken as a ground for such eviction shall be entertained by any Court unless the landlord has been permitted by the Controller by an order in writing under sub-section (3) to institute such suit or proceeding and has produced before such Court proof that such permission has been granted.

(2) If in any suit or proceeding by a landlord against a tenant in possession of any premises for eviction of such tenant therefrom, a decree or order for the recovery of possession of such premises has been made before the date of commencement of this Act on any of the grounds specified in clause (c) of the proviso to sub-paragraph (1) of paragraph 9 of the Calcutta House Rent Control Order, 1943, or in clause (c) of the proviso to sub-paragraph (1) of paragraph 10 of the Bengal House Rent Control Order, 1942, but the possession of such premises has not been recovered from the tenant, the execution of such decree or order shall be stayed until the landlord produces before the Court by which such decree or order may be executed or in which such execution is pending, as the case may be, proof that he was permitted by the Controller appointed under the Calcutta House Rent Control Order, 1943, or the Bengal House Rent Control Order, 1942, as the case may be, to institute such suit or proceeding or to prosecute such suit or proceeding or to recover possession of such premises by the execution of such decree or order or that he has been permitted by the Controller by an order in writing under sub-section (3) to recover possession of such premises by the execution of such decree or order.

(3) A landlord who desires to obtain from the Controller,—

(a) any order referred to in sub-section (1) permitting him to institute a suit or proceeding referred to in that sub-section against a tenant in possession of any premises for eviction such tenant therefrom, or

(b) any order referred to in sub-section (2) permitting him to recover possession of the premises in respect of which any decree or order referred to in the said sub-section has been made by the execution of such decree or order,

shall apply in writing to the Controller in that behalf, and if, on receipt of such application, the Controller, after giving the tenant in possession of the premises an opportunity for showing

cause against the application and after considering all the circumstances of the case, is satisfied,—

- (i) in the case referred to in clause (a) that there is sufficient cause to hold that any of the grounds specified in clauses (b) and (d) of the proviso to sub-section (1) of section 12 which has been taken by the landlord as a ground for eviction of the tenant in such suit or proceeding exists, and that in the case of suit or proceeding for eviction of the ground specified in clause (b) of the said proviso that the consent of the landlord to sublet the premises has not been unreasonably withheld, and
- (ii) in the case referred to in sub-clause (b) that it is a fit case for the landlord to recover possession of the premises by execution of the decree or order referred to in that clause on any of the grounds referred to in sub-section (2) on which such decree or order has been made.

the Controller shall, after recording his reasons in writing, make the Order applied for, and, if the Controller is not so satisfied, he shall, also after recording his reasons in writing, make an order rejecting the application.

- (4) The Controller may, before making under sub-section (3) any order referred to in sub-section (2) permitting a landlord to recover possession of any premises by the execution of a decree or order, allow such time as he considers necessary to the tenant to vacate the premises and to deliver possession thereof to the landlord."

Sir, we have very carefully considered the new clause which I have suggested in my amendment and we are of opinion that it is much more suitable than the original clause of this Bill. So having considered very carefully I place it before the House for its acceptance.

Mr. PRESIDENT: Amendment moved that for clause 13 of the Bill, the following be substituted, namely:—

- "13. (1) No suit or proceeding by a landlord against a tenant in possession of any premises for eviction of such tenant therefrom in which any of the grounds specified in clauses (b) and (d) of the proviso to sub-section (1) of section 12 has been taken as a ground for such eviction shall be entertained by any Court unless the landlord has been permitted by the Controller by an order in writing under sub-section (3) to institute such suit or proceeding and has produced before such Court proof that such permission has been granted.
- (2) If in any suit or proceeding by a landlord against a tenant in possession of any premises for eviction of such tenant therefrom, a decree or order for the recovery of possession of such premises has been made before the date of commencement of this Act on any of the grounds specified in clause (c) of the proviso to sub-paragraph (1) of paragraph 9 of the Calcutta House Rent Control Order, 1943, or in clause (c) of the proviso to sub-paragraph (1) of paragraph 10 of the Bengal House Rent Control Order, 1942, but the possession of such premises has not been recovered from the tenant, the execution of such decree or order shall be stayed until the landlord produces before the Court by which such decree or order may be executed or in which such execution is pending, as the case may be, proof that he was permitted by the Controller appointed under the Calcutta House Rent Control order, 1943, or the Bengal House Rent Control Order, 1942, as the case may be, to institute such suit or proceeding or to

prosecute such suit or proceeding or to recover possession of such premises by the execution of such decree or order or that he has been permitted by the Controller by an order in writing under sub-section (3) to recover possession of such premises by the execution of such decree or order.

(3) A landlord who desires to obtain from the Controller,—

(a) any order referred to in sub-section (1) permitting him to institute a suit or proceeding referred to in that sub-section against a tenant in possession of any premises for evicting such tenant therefrom, or

(b) any order referred to in sub-section (2) permitting him to recover possession of the premises in respect of which any decree or order referred to in the said sub-section has been made by the execution of such decree or order.

shall apply in writing to the Controller in that behalf, and if, on receipt of such application, the Controller, after giving the tenant in possession of the premises an opportunity for showing cause against the application and after considering all the circumstances of the case, is satisfied,—

(i) in the case referred to in clause (a) that there is sufficient cause to hold that any of the grounds specified in clauses (b) and (d) of the proviso to sub-section (1) of section 12 which has been taken by the landlord as a ground for eviction of the tenant in such suit or proceeding exists, and that in the case of suit or proceeding for eviction on the ground specified in clause (b) of the said proviso that the consent of the landlord to sublet the premises has not been unreasonably withheld, and

(ii) in the case referred to in sub-clause (b) that it is a fit case for the landlord to recover possession of the premises by execution of the decree or order referred to in that clause on any of the grounds referred to in sub-section (2) on which such decree or order has been made,

the Controller shall, after recording his reasons in writing, make the Order applied for, and, if the Controller is not so satisfied, he shall, also after recording his reasons in writing, make an order rejecting the application.

(4) The Controller may, before making under sub-section (3) any order referred to in sub-section (2) permitting a landlord to recover possession of any premises by the execution of a decree or order, allow such time as he considers necessary to the tenant to vacate the premises and to deliver possession thereof to the landlord."

Mr. BIREN ROY: Sir, I rise to oppose this amendment. Mr. Clarke has practically put in what was in clause 13. It was hence a waste of time for the Select Committee to go through the whole Bill and draw the travelling allowances as usual and then come in with the support of the Government from behind to replace those clauses which were deleted in the Select Committee. I do not know whether the Government did not know their mind at the time when the Select Committee were meeting or they were playing with the time. Now, Sir, there is another aspect of the thing and it is this that the Controller has been made the Dictator in Calcutta in respect of the landlords renting their houses. But, Sir, I do not see any reason why his judgment should be preferred in preference to the Civil Court Judges. This is a kind of thing which we on this side of the House cannot only, not tolerate but cannot support it. For here when

we are trying to separate the judiciary from the executive, the Government is bent on gradually transferring everything to the hands of the executive and in spite of the fact that the European members supported us in this matter of transfer of the judiciary from the executive they are choosing another backdoor policy of handing over everything to the inefficient and corrupt executive officers, not even to executives properly appointed, much to the detriment of the landlords who have invested large sums of money to cater sufficiently to the needs of the tenants and where the Government has not come forward in any way in regard to the supplies of controlled building materials such as cement, iron, etc., to help or alleviate the difficulties either of the landlords or of the tenants. We, Sir, oppose this amendment.

MR. NAGENDRA NATH MAHALANOBISH: I am sorry I have to oppose this amendment of Mr. Clarke. Mr. Clarke, it appears, was a member of the Select Committee. Of course he has submitted a Note of Dissent no doubt. But then the Hon'ble Minister in charge who was presiding at the Select Committee meetings, it appears, did accept the Select Committee's amendments. We find that the Select Committee entirely omitted clause 13 which contained this provision replacing it by another but also the two subsequent clauses 14 and 15 dealing with this matter of decision by the Rent Controller. Now the first point that would naturally strike honourable members is this. What is the necessity of having the same matter tried over again once by the Rent Controller and then again by the Civil Court? If you think that the Rent Controller is an authority who should finally decide the fate of the landlords and the tenants, well, let him have the final power to say whether a particular tenant should be ejected or not. Here I am not dealing with the question of fixing of rent. I am dealing with the question of eviction. If a landlord actually requires the house for his own occupation bona fide and he wants the tenant to vacate and gives the tenant a reasonable and legal notice to vacate and if the tenant persists in occupation what is the landlord to do? The ordinary law of the land is that he can claim eviction from the Civil Court. And this law says, No. The jurisdiction of the civil court is barred until Mr. A, B, C, or D who may be the fortunate fellow who becomes the Rent Controller either in Calcutta or in the moffussil has had his say. The landlord has to approach him and he may be dragged on with his application for 3, 4 or 5 months at least if not more and the tenant also is to attend the Rent Controller's office to put forward various pleas true or false. Both have to attend court, spend money over lawyers and other things when rightly or wrongly the Rent Controller decides one way or the other. Anybody who is dissatisfied goes up to appeal and there the same process is repeated and another 6 or 7 months or perhaps more pass when the appellate judgment is received. So we merrily pass on for about a year in taking the Rent Controller's decision and to have the decision tested again by an appellate authority. Then we come to the civil court. If the landlord is fortunate enough to convince the appellate court that he has got the right of eviction because the premises are required for his bona fide requirements for his own occupation. Then the case comes to the civil court and the tenant begins to argue anew, files written statements and contests that right of the landlord. This process goes on the appellate court and also in the High Court. Why do you add injury after injury? If you do not want that landlords should evict their tenants, because they were intervened and it was at some time difficult to obtain accommodation, and tenants should be the real masters of the situation, tell us frankly that landlords should not eject their tenants up to the year 1949. We can quite understand that. Let the landlords hold their souls in patience till that time. But why go through the farce of forcing them to litigation, causing them to incur expenses, trouble and annoyance? If that is your scheme, if that is thought fair and expedient by you, say so in so many words and let the landlords and their tenants

after the year 1949 have their ordinary legal rights, but instead of doing that you practically do the same thing in another way. Even if the landlord has got the right if he ultimately succeeds in proving to the satisfaction of the Controller as well as to the satisfaction of the Civil Court and also the High Court for the case can as well go up to that Court also, and even if he succeeds at all these places, he could not possibly get occupation or possession of the house till after 4 or 5 years. The Law's delay is well known but even so I think further cause for delay is being inserted in between the landlord's rights and the civil court's decision and the Rent Controller's decision. I do not for a moment understand the justification behind all this and as to how you could get better and quicker results by this amendment. If you have no faith in the civil court's decision, or if you prefer the Rent Controller's decision, then make the Rent Controller's decision final and exclude the civil court altogether. That we can understand but the process in which legislation is going on in this House in this province seems to be that the intention of the legislature is not only to create difficulty both in the way of the landlord and the tenant but also to realise more court-fees and subject them to more and more litigation expenses and to harassment and embarrassment. I submit that this introduction of the Rent Controller for the purpose of forcing the landlords to obtain his previous consent for the purpose of going to the civil court cannot be justified by any principle or necessity or even expediency. Generally, Sir, if you had put down certain principles which the Rent Controller would be bound to observe before he granted or refused permission to sue then I submit the same principle could be enunciated for the purpose of guiding the civil court, namely, that under such and such circumstances a tenant could be ejected and under such and such circumstances a tenant could not be ejected. You can embody that principle in the body of the law and tell the civil court that it must act according to that, and if a civil court makes a mistake then the matter may be taken to a higher court. But why do you put in the Rent Controller here unless you have some ulterior motives? Sir, I am very loth to impute any ulterior motives to the authors of this Bill or to the author of this amendment but I submit that unless there is some motive behind this, then why are you so very anxious to bring in the Rent Controller? I cannot understand for a moment what benefit the landlord and the tenant will get by seeking the preliminary decision from the Rent Controller. It may be suggested that the tenant might be saved from litigation expenses in a civil court if the rent controller refused to grant permission but I submit that if really the landlord has got the right to sue under the ordinary law, the landlord can harass the tenant by litigation and in many other forms and it is perhaps known to many honourable members that if a landlord is dishonest in spite of your law he can carry on litigation. You will have also to consider the honest landlords and honest tenants. In their case you ought not to bring in all this further complication by bringing in a Rent Controller and again the way in which the provisions are sought to be enforced are full of complications. I would just refer you to clause 2 in the first instance. Clause 2 of the proposed new amendment... By the way, Sir, I would like to mention to you that we have not got a copy of this proposed amendment of Mr. Clarke before it was read out, and it was not circulated to us. It is rather an involved amendment and requires very careful consideration before we can do justice to the matter involved and I am saying what I have got to say. I submit, Sir, that in case of this sort of amendment though the Chair has power to admit any amendment at any time—

Mr. PRESIDENT: I have done it with the consent of the House and I did not exercise my power. I wanted to find out whether there is any objection to Mr. Clarke moving the two amendments together but there was no objection and I allowed it.

Mr. NAGENDRA NATH MAHALANOBISH: Is that so? I am sorry I did not hear it as in that case I would have spoken about the difficulty. However, as I have said, it is a very complicated amendment and requires very careful consideration. What I would like to point out is that in the provision you are not satisfied with having obtained permission from the Rent Controller: you go further and do away with the right of the landlords under the Transfer of Property Act. Then, Sir, you do away with the right of the landlords which they have obtained under a decree of a civil court; you impeach that also and even after obtaining decree you require him to go to the Rent Controller to have permission to execute the decree. This, I submit, is one-sided legislation and it is not fair. In every legislation we should look not only to the interest of one class, the tenant, but also to the other class, the landlord. The first and foremost thing we should bear in mind is that both are honest and work on that basis, and unless some special mischief is brought to the notice of the Controller then in regard to certain acts of a large number of dishonest tenants or landlords certain remedial action is necessary, we should proceed on the basis that both landlords and tenants are honest. But demand of higher rent on account of scarcity of accommodation ought to be resisted. It can be done by the Rent Controller but we should not venture into legislation which would really ruin both the landlord and the tenant specially in this city. You ought to simplify the procedure. As I have suggested just now, the intervention of the Rent Controller for the purpose of having permission is mischievous and unnecessary and therefore I am opposed to the principle underlying this amendment and I hope that the House would reject the amendment and accept and proceed upon the Select Committee proposal.

Mr. LALIT CHANDRA DAS: Sir, I would oppose the amendment which has been moved by Mr. Clarke. In order to understand whether the amendment is reasonable or even necessary it is necessary that I should read out section 13 as has been put in by the Select Committee that would give a fair idea to the House regarding the procedure to be adopted in certain suits and proceedings for eviction of tenants. Section 13 lays down:—

- “13. Notwithstanding anything contained in any other law for the time being in force in every suit or proceeding by a landlord against a tenant in possession of any premises for eviction of such tenant therefrom in which any of the grounds specified in clause (d) of the proviso to sub-section (1) of section 12 or in which non-compliance with the provisions of this Act as to the payment or deposit of rent due by such tenant in respect of such premises to the full extent allowable by this Act has been taken as a ground for such eviction, the Court shall at the first hearing of such suit or of the application out of which such proceeding has arisen, or as soon as may be thereafter, after giving the parties an opportunity of being heard and considering any evidence which they may produce, decide first if the ground so taken by the landlord for eviction of the tenant exists, and, if the finding thereon is sufficient for the final disposal of such suit or proceeding, may pronounce judgment or pass orders accordingly; but if the finding is not sufficient for such final disposal, the Court shall adjourn the further hearing of such suit or proceeding for the production of such further evidence or for such further argument as may be necessary for the final disposal of such suit or proceeding:

Provided that in the case where the Court finds that reasonable ground exist for non-compliance with the provisions of this Act as to the payment or deposit of rent to the full extent allowable by this Act, the Court shall before passing any decree or order for eviction of the tenant on the ground of such non-compliance allow to the tenant such time as it may think fit to pay to the landlord

or to deposit in Court the rent allowable by this Act in arrear together with such costs of the suit or proceeding as may be determined by the Court, and shall not pass such decree or order if the tenant pays to the landlord or deposits in Court such rent in arrear together with such costs within the time so allowed."

This is what has been put in by the Select Committee in place of that cumbrous procedure which was shown in the original clause—sections 13, 14 and 15. In order to understand the suits or proceedings to be adopted for the eviction of the tenant it is first necessary for us to realise on what grounds the tenants can be ejected. First of all I would draw the attention of the House to clause 12 of the Bill. At the very outset it lays down a provision that there shall be no order for ejection ordinarily to be made if rent paid at allowable rate. Now, the proviso says "That nothing in this sub-section shall apply,—

- (a) where the tenant has done any act contrary to the provisions of clause (m) and (o) or clause (p) of section 108 of the Transfer of Property Act, 1882, or
- [(b) where in the absence of any contract to the contrary the tenant has, without the consent in writing of the landlord, sublet the premises in whole or in part, or],
- (b) where the tenant has, without the consent in writing of the landlord, sublet, or allowed any person other than the landlord to enter into possession of, the premises in whole or in part, or continuously for a period of not less than two months allowed the premises to remain vacant, or
- (c) where the tenant has been guilty of conduct which is a nuisance or an annoyance to occupiers of adjoining or neighbouring premises, or
- (d) where the premises are bona fide required by the landlord either for purposes of building or re-building, or for his own occupation or for the occupation of any person for whose benefit the premises are held, or where the landlord can show any cause which may be deemed satisfactory by the Court."

Now, Sir, this is laid down in clause 12. Here you will find that we have laid emphasis on the fact that the landlord is to show cause which is deemed satisfactory by the court. Is this Controller a court? We discussed this point elaborately in the Select Committee whether the Controller should be made a Dictator in all affairs relating to the relations between the tenant and the landlord. That was a moot point we had a discussion on, and we had a talk on the principle that, in the matter where a decision is to be given with respect to the final rights of the landlord and the tenant regarding eviction, the matter ought to rest with the court, for the Court is considered a far more respectable and responsible body than a Dictator Controller who is recruited from the executive service. We have got, Sir, the conditions and we have got, Sir, the qualifications that will be necessary for one to be made a Controller. Now the Government may have a set of Controllers far inferior in qualifications and in foresight, and, in the matter of deciding cases for inferior to the Judicial Officers who are the persons competent to pronounce a decision in cases of eviction. Sir, in redrafting clause 13 the Select Committee eliminated altogether the Controller as we considered that there was no necessity to go to the Controller but as there was a provision for a preliminary hearing we thought that we can concede thus far that a preliminary hearing may be given by the court to both the landlord and the tenant to decide whether a suit for eviction should proceed or not. We thought that the proper forum was the Court to avoid the unnecessary waste of money and time which the proposed amendment involves by bringing in the Controller before the Court. We decided that

the preliminary hearing will be given by the court and we gave it in section 13. We conceded that a preliminary hearing may be given by the court whether a just ground specified in clause (d) of section 12 exists for eviction of a tenant, and then only if the Court is satisfied, after giving a preliminary hearing to the landlord and also to the tenant after giving notice to the tenant in cases of eviction, that no ground existed to evict the tenant, the court will reject the application of the landlord at once. And if the ground exists for eviction they will proceed with further hearing, etc. This is all provided in the Bill clause 13. But what is proposed to be done by the proposed amendment of Mr. Clarke suggests that which the Hon'ble Minister sitting on the other side is eager to accept. What Mr. Clarke suggests is that the Controller should sit head and shoulders over the court. According to him the Controller should be first approached for a certificate whether a suit will lie or not, whether reasonable grounds exist for bringing in a suit under clauses (b) and (d) of section 12. He gives a hearing to both parties. Then if he is pleased or if he can be pleased he grants a certificate. What is that certificate? The certificate is—Go to the civil court for eviction. I ask—Why go to the Civil Court? If you trust your Controller invest him with full powers to decide a case one way or the other. Why this dubious way of asking a man to go to the Controller to obtain a certificate and then direct the landlord to go next to the court. Really, Sir, this is astounding. We, Sir, sitting here are labouring under a great disadvantage and our suggestions, however reasonable they may be, are rejected by a brute majority on the other side. We are not to be outvoted by reason, fairness or justice but simply by brute majority. (MR. ABDULLAH-AL-MAHMUD: Reason and justice and fairness is your monopoly only.) Well, Sir, wait in patience and you will hear. This remark came from your leader, Mr. Jinnah, and I am simply quoting it. (MR. ABDULLAH-AL-MAHMUD: Yes, we have heard your argument.) Yes, I am only quoting your leader. But now to come back to the Bill and the amendment. Let us see how the matter stands now and under the report of the Select Committee. There we dispensed with the Rent Controller altogether in this matter. We provided in the select committee that the landlord who wanted eviction of his tenant should in the first place go to the civil court so that the civil court should have a preliminary hearing and if the court were satisfied after hearing both the landlord and the tenant that just cause or ground existed it would accord permission for the eviction. Which is the better provision, Sir? Whether to go first to the Rent Controller for a preliminary permission to sue and then to go to the Civil Court for settlement of the matter, or to let the civil court decide the matter once for all without the intermediacy of the Rent Controller? We wanted to avoid the dubious procedure of spending money as well as time when *prima facie* just cause existed for eviction. Then, Sir, there is another queer thing. If the landlord gets a decree he will again have to seek the permission of the Rent Controller under sub-clause (b) of the suggested amendment for evicting the tenant, and the Controller will have to be satisfied as to whether everything was in order when a previous eviction order was passed, that is, whether in passing the order of eviction the procedure laid down in the Calcutta House Rent Control Order, 1943, or the Bengal House Rent Control Order, 1942, was fully observed. I submit that it must be presumed to be in order if the fact is that the order was passed by a competent court of competent jurisdiction. When a competent court of competent jurisdiction passes a decree of eviction it must be presumed that all the formalities of law were gone into and that the procedure laid down in the law were fully observed. The onus would now lie on the other side to prove that it was not so observed, after getting notice to do so; and the tenant after getting fresh notice will come forward and say that in fact the procedure laid down in the two House Rent Control Orders of 1943 and 1942 were not observed. And in this case the landlord will have to run again to the Rent Controller, and what for, Sir? Only for getting a certificate that everything had been in order. And if the Rent Controller is so pleased then and then only will

he come back to the civil court for the purpose of carrying out the order of the court. This is a very tedious process and should be done away with. If you do not trust the civil court, a court of competent jurisdiction, then take away its jurisdiction and invest your Rent Controller with full authority to dispose of the suit. But instead of doing that, you are having the matter duplicated so that the Government coffers might be replenished. You are further insulting the civil court by allowing the Rent Controller to sit head and shoulders above the court. From the start of the litigation at all the stages you are allowing the Controller to sit head and shoulders over the civil court. The matter may be very much simplified and rendered very much easy if you placed implicit faith in the civil court. The people have faith and trust in the civil court, a court of competent jurisdiction used to deal justice in an even handed manner between all parties; let this court be authorised to do all the things in connection with the eviction of the tenant. If you really do not trust the civil court, then all that I say is that, for God's sake, give all the powers to the Controller, so that the parties may not have to go from one place to another and get involved in huge costs. But instead of doing that you are following all sorts of dubious methods. For these reasons we object to this amendment.

Mr. ABDULLA-AL-MAHMUD: Sir, I rise to render my wholehearted support to the amendment moved by my friend Mr. Clarke. I have heard with care the arguments advanced by Mr. Nagendra Nath Mahalanobish and Mr. Lalit Chandra Das. I would give credit to Mr. Das for his lengthy argument. He thinks however that all the reasons and arguments are his monopoly. I do not like to argue about what he said, but I would like to reply to what has been said by Mr. Mahalanobish regarding the procedure to be gone into by the Civil Court. What are the advantages? I must say that there are advantages in having the provision that has been suggested. This special measure—the Rent Control Bill—has been provided after a great deal of experience gathered during the time when there was war and the effect that are being experienced after war. It has been seen that unscrupulous landlords in order to increase the rent by leaps and bounds rush to the court or take any other means they like. This is Government of the people which Mr. Das characterises as having a brute majority. I may say that it is bound to be a majority rule everywhere as it is in the Centre. Now, Sir, in order to give relief to the tenants from the unscrupulous landlords this provision has been suggested by Mr. Clarke, because in clause 2(a) that has been suggested to be provided by the Select Committee provision of the Controller has been made who should be a barrister or a member of the judicial or executive service having 10 years of service. Mr. Das and Mr. Mahalanobish presume that because these officers hold executive office therefore they will be unscrupulous in passing judgment as soon as a landlord comes with a petition. I cannot understand how they presume that an officer who comes from a judicial service and who will sit in a court to give permission or to refuse permission of eviction upon an application, will be biased and will not deal with the case in a judicial frame of mind. I do not see any force in this argument. I lend my support to this amendment for the reason that if power is given to the Controller who is a member of the Provincial Service or a Barrister or a member of the Judicial Service in order to prevent unnecessary harassment to the tenant from the action of an unscrupulous landlord this will not only save his time but will also save a lot of money to him. So I think that this amendment is advantageous both to the landlord and to the tenant as it will take less time and will be less costly. The new clause 13 suggested by Mr. Clarke is clearer than the one suggested by the Select Committee and it is an improvement over the original clause. Special provision has already been made for giving special power to the munsif or judge here in order to bring an ejectment suit. But nowhere it is laid down what the value of the court-fee would be in order to bring such a suit against the tenant. Would it be annas twelve or would it be decided according to the value of the property

from which the eviction of the tenant is sought? Now, Sir, this petition which will have to be given to the Controller will cost the landlord only 12 annas as fees and some fees to the lawyers—

Mr. PRESIDENT: Order, order. Mr. Mahmud, our time is up. How long you will take to finish your speech?

Mr. ABDULLA-AL-MAHMUD: I do not know. But if the House can go on I can finish within 5 minutes.

Mr. PRESIDENT: Then we can continue for 5 minutes more.

Mr. ABDULLA-AL-MAHMUD: Now, Sir, that empowers the civil court with special power and twice the matter will have to be gone into. First of all it will hear the preliminary argument. We do not know what will be the procedure to be adopted by the civil court judge, whether he will take evidence as soon as the suit is instituted and a date fixed and summons served on the defendant that is the tenants. Then on the first day the tenant will appear and on the very day he may submit a written statement and another date will have to be fixed to hear the preliminary arguments whether the tenant is liable to be ejected or not. A *prima facie* case will have to be made out on the first day. Then another date to be fixed at the discretion of the court whether to take evidence or not. Then it will be a lengthy procedure. First there will be an adjournment for 2 or 3 months. He will then pass a preliminary decree just as in mortgage suit after say 1½ years. Here also special power has been suggested to be given to the Munsif or Judge to give a preliminary decree not before 3 or 4 months. During this period both the tenant and the landlord will have to be present through their lawyers. Of course this would be advantageous to us no doubt and from Mr. Lalit Chandra Das and Mr. Mahalanobish's point of view also, but the landlord and the tenant will be harassed and unnecessarily too. So if this amendment is accepted only permission is necessary from the Rent Controller and a date will be given soon to ascertain whether the landlord requires the house or premises as has been given in clause 12(d). If the landlord can make out a case that he requires the houses for his own occupation the matter will be easier. If the tenant does not do anything contravening the provision of section 108 of the Transfer of Property Act, 1882, and if the landlord harasses the tenant unnecessarily and also if that is proved then the matter will be easier and the landlord will have to pay for it. Mr. Das and Mr. Mahalanobish are pleading for the landlords but if the landlord goes on harassing the tenants in this way an amendment of this nature is very necessary.

With these words, Sir, I wholeheartedly support the amendment.

Mr. PRESIDENT: Order, order. The House stands adjourned till 2-15 p.m. tomorrow.

Adjournment.

The House was then adjourned till 2-15 p.m. on Thursday, the 27th February, 1947.

Members absent.

The following members were absent from the meeting held on the 26th February, 1947 :—

- (1) Mr. Yusuf Ali Chowdhury,
- (2) Mr. Kamini Kumar Dutta,
- (3) Khan Bahadur Sheikh Fazal Ellahi,
- (4) Mr. Mungturam Jaipuria,
- (5) Mr. Humayun Z. A. Kabir,
- (6) Alhaj Yar Ali Khan,
- (7) Mr. Syed Abdul Majid,
- (8) Khan Bahadur Ghyasuddin Pathan,
- (9) Khan Bahadur Mukblesur Rahman,
- (10) Dr. Kumud Sankar Ray, and
- (11) Mr. Biswanath Roy.

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1947—No. 12.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Thursday, the 27th February 1947, at 2-15 p.m. being the twelfth day of the First Session of 1947, pursuant to section 62(2) (a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

General Discussion on the Budget

Mr. HARIDAS MAZUMDAR: Sir, the budget estimate of the present government reminds me of Mr. Gouri Sen of tradition who, entrusted with people's money, squandered the whole sum in foolish investment ruining the whole prosperity of the State. Our Finance Minister, Mr. Mohammed Ali, sings a swan song and laments for the deplorable state of Bengal's finance and in his bewilderment plainly admits that the province will run into hopeless bankruptcy unless the Central Government comes to its rescue.

Sir, before the war, you are aware, the Province managed its whole affairs with a sum of ten to twelve crores of rupees. War converted our Province into an eastern theatre of its activity. Its expenditure naturally mounted up and the Central Government realising the peril and helpless state of Bengal's finance promised to help with subvention; the amount now comes to 12 crores, the original amount of revenue of the province. To meet daily increasing expenses the Bengal Government saddled it with a series of taxes and practically when every conceivable source of revenue became explored with promises to repeal them after the war, treating them as war time measures. But instead of bread the people have got stones. Let me quote a few figures only to have an idea of its multiplication and the desire of the Ministry to maintain the peak point of expenditure, being forgetful of the fact that when a mine is fully exploited, nothing remains but pits and holes.

In 1943-44, the revenue was nearly 24 crores, in 1944-45 it was raised a little less than 40 crores, almost by Herculean efforts with the assurance of remission as I told you just now. In 1945-46 it was again raised to a peak position of more than 45 crores. In 1946-47 the amount of revenue will be according to the revised estimate of the Finance Minister 38 crores and 73 lakhs, I think when settled state of affairs is gradually coming to prevail, will it be prudent to inflate the budget with reckless and meaningless expenditure under communal education scheme, communal rehabilitation scheme and thus like a veteran official to pull the budget to the high tide level which the exigencies of war only demanded.

After brushing aside the urgent necessity of meeting the demand of the University Science College for all Bengalees, is there any necessity to spend a fabulous sum on Islamic culture and education to benefit a particular community when the burden of taxation has become so crushing as it is about to disturb the economic equilibrium of the whole of India? Is it any reply to Mr. Fazlul Huq's Muslim University propaganda? The Hon'ble Minister himself is conscious of this when in making the statement he says—'It is hoped that as a result of the economic development of the Plan, the economic wealth of the country will increase'. It is a camouflage to whitewash the situation. Remember, out of 12 crores of the

amount of subvention received from the Central Government, only one-third or so, is earmarked for real development purposes, and the balance is spent in running the present administration; or in other words in creation of offices sometimes it may be without any duty attached, and is this the development project with which the Government intends to increase the economic wealth of the Country? Sir, I may mention their another gigantic plan or bluff if I am allowed to say so. Sir, it is a paper scheme just to mislead the Centre and the people. In the Budget I find a proposal to spend a sum of rupees 153 crores for the development of the province. Just below this proposal, there is the note of the Government which states that the sum of rupees fifty three crores that is the superfluous portion over the one hundred crores will be spent on unproductive purposes in the name of development by a Government which is mishandling a huge sum every year and whose notorious boat building policy has almost become a scandal all over the world.

Sir, I can assure you, had the Finance Minister intended, he could have balanced the budget very easily and this I say from the very figures he has given to us for consideration. On the revenue side there is a loss of half a crore under Sales tax and another half a crore under Excise duty on country spirit, the total amount is only one crore. Similarly, there is decrease on the expenditure side and it is two crores. Is it not sufficient to balance the amount, even if we take the increase in expenditure in the Department of Law and Order. Under the development plan, the Ministry curtailed expenditure under Irrigation and Civil Works. May I know the reason? The public suspects that it is postponed on communal grounds only.

The basic revenue of the province is 32 crores. If so, it is already threefold of the old figure, which is, however, equivalent to the latter figure, supposing the inflation prevailing within the country to be about 300 per cent. But the Finance Minister is making a proposal to raise it to a peak position of 45 crores, that is, about 40 per cent. above the present figure and that is when deflation is about to set in. He perhaps forgets that this amount is to be raised in future, when a recurring amount of six crores to be added to it for some years for reconstruction and another sum of four crores is to be added as interest charges for 82 crores of rupees, the amount to be payable for the abolition of the zemindary system of the province. The total amount will reach 55 crores. Remember our basic and natural revenue of province standing on the inflated finance is only 32 crores. Will the Central Government come annually with a subvention of not 10 or 12 crores but its double amount?

Of course, the Hon'ble Minister might say that the development schemes when given full effect to and the abolition of zemindary system will bring in a revenue. The old story repeats itself. We were similarly assured when state trading was started under a system of loan from the Central Government. From the figures under Debts and Deposits item, it appears the whole amount of one hundred and twenty five crores of rupees is grossly mismanaged, as instead of profits, the deficit noted has been in 1944-45 a little less than a crore; in 1945-46 it is more than seven crores and seventy lakhs; in 1946-47—it is a little less than 8 crores and 4 lakhs; and in 1947-48 it is more than 5 crores and 65 lakhs. It is the historic inefficiency of handling finance by our League Ministry of the province. In the face of this sterling fact how can we believe that the additional income would be earned when the abolition of zemindary and the development schemes will be given effect to. I may very boldly prophesy that what would happen would be multiplication of new and costly posts and provided the League satellites and thus strengthening the party at the cost of the Hindu population of the province; is it not a fact that it is they

who pay the major portion of the revenue? But the Ministry is so unmindful of them that in the allocation of benefits, they totally forget about their existence. If not, why they so much earmarking about Muslim hostels, Muslim colleges, Islamia college, Islamia hospital, provision of one Engineering College at Dacca in addition to one already existing, proposal for adding two more Medical Colleges in Calcutta in addition to one more in the Lake area? If anybody takes even a bird's eye view of the budget, he will be justified to conclude that in Bengal no Hindu resides except the Muslims, for whose welfare, the so-called National Government of Bengal is so solicitous. This is frankly speaking robbing Peter to pay Paul.

I say, Sir, finance is a science and science is very cruelly exact in its application. Communal or no communal, if you go on milching the cow which has given you the sustenance so long, if you do not still restrain yourselves in the unscientific way you are managing the province's finance, it will be bled to death. When a mine is hectically worked up it is exhausted before the country could reap the benefit from its resources. The law of diminishing returns will soon set in as the inflation will melt away and the people will be reduced to penury, incapable of profitable assessment, the state finances will sustain a crack, the repair of which would mean nothing less than dire bankruptcy.

From my past experience in the Legislature under the grossly communal administration of the League Ministry I can safely state that the discussion that we are having here in terms of the spirit and letter of the 1935 Constitution Act and the rules made thereunder is mere waste of time and for practical purposes nothing but a humiliating farce. The pious wishes of our Hon'ble President that the Hon'ble Finance Minister will make necessary changes in the light of the discussion here, will remain pious wishes all the while and will never be translated into action. Not a comma will be changed, not even a clerical error will be corrected.

In my last year's budget speech as far as I remember, I suggested the appointment of an Advisory Committee with Government and Opposition members to examine the Government schemes, contracts and the payment of bills in connection therewith. No honest Government could have brushed aside the request for such a Committee for the satisfaction of the people, where the representatives of almost half the population form the Opposition. But that is not to be lost; the whole game would be found out.

A real Coalition Government is the need of the hour. The League Ministry should realise that the days for such smooth sailing relying on the brute and artificial majority are going to be numbered. And "making hay while the sun shines" even for a few months is a very bad principle from the point of view of the interests of the masses. I warn the Government not to forget this fact once and again.

I would request the Ministry not to miss this golden opportunity of approaching the Hindu half of Bengal to bring about a real co-operation and coalition. If you miss the bus, the result will be the success of the movement of a separate Hindu province where more than 60 per cent. of the population are the Hindus and non-Muslims. They cannot eternally bow down before your communal authorisation. The other day the Hon'ble Chief Minister taunted me when I threw out a suggestion on these lines and he could not take me seriously. But he is mistaken in his estimate and appraisal of the situation and the character of the Bengali Hindus. A few lines from a Bengal paper should be an eye opener to him: (Began to read a Bengali newspaper).....

Mr. PRESIDENT: What is that paper?

Mr. HARIDAS MAZUMDAR: *Ananda Bazar Patrika* of the 14th Falgun, 1353 B.S.

The Hon'ble Mr. MOHAMMED ALI: Is that an editorial?

Mr. HARIDAS MAZUMDAR: Yes.

Mr. PRESIDENT: Mr. Mazumdar, are you reading from the editorial of the paper.

The Hon'ble Mr. MOHAMMED ALI: Sir, can he read from the editorial which is more or less a political opinion of a party?

Mr. HARIDAS MAZUMDAR: Sir, the editorial reflects the minds of the public.

Mr. PRESIDENT: But the honourable members here fully represent the opinion of the electorate and so you need not refer to the editorial of newspapers. It is not the practice. (MR. SULTANUDDIN AHMED: Some reference was made to Madhupur) Order, order.

Mr. HARIDAS MAZUMDAR: All right, Sir. But this much I can say without any fear of contradiction that if the Ordinance Rule of Muslim League Ministry be a permanent feature of the administration of Bengal and if the communal educational policy be followed shamelessly and State killing in Noakhali or Calcutta be repeated anywhere else the division of Bengal on communal lines is sure to come. From the economic point of view also this may be suggested that the Upper House may be abolished and in its place one Legislative Assembly in each of the two newly created provinces Suba Bangla with Dacca as its capital and Rarh Banga with Calcutta as its seat of Government under the Indian Union may be created resulting in the good feeling amongst all the communities of the Province.

Mr. CHARU CHANDRA SANYAL: Mr. President, Sir, just at the moment when perfect harmony amongst communities has become essential to facilitate transference of political power to the hands of the people of India, it is a pity that a budget of this type has been placed in this House for consideration. The budget as presented before this House is not a Bengal budget but may be characterised as an Islamic budget. I thank the Ministry for this straightforward business. It has several factors of far-reaching effect. If weightage to the majority is to be seen look at this budget. A little sprinkling to the Scheduled Castes and to the Buddhists may console a few job hunters but not the general masses. Anglo-Indians and Europeans have been given a mighty weightage to keep their voting in favour of the present Government in tact. This budget is certainly an example and an eye-opener to the non-Muslim majority provinces. It is out and out a political budget. It will strengthen the hands of those who want the partition of Bengal. The trick played upon is sure to entangle those who have invented it. Black art is a momentary illusion which is best suited for the stage but not for a nation. It is an uneconomic budget. Mere distribution of jobs does not improve national economy. There is hardly any item that would permanently improve the financial status of the common man of the province. The deficit runs into crores and if this policy is pursued it will mount up Everest high until an avalanche sweeps the nation away in spite of calling that old Otto Niemeyer to prop up. The great constructive suggestion in this budget that is likely to have a mark for generations is that an officer from the Finance Department is being sent abroad to learn the most progressive and scientific method of taxing the people. The people of Bengal would no doubt thank the Government when the result would be felt by each and every one of them. The profit earning business of the Government by purchasing a Brooklyn ice plant no doubt fits in with time. Bengal has become too hot. The icy hand of cold waived over Bengal may no doubt bring some profit. We are accused of destructive criticism only. I offer a suggestion, and that

is that the sales tax on books and news sheets should be withdrawn as it is a tax on education and learning. I may be further accused of trying to increase the deficit but there is a proverb বেঝার উপর শাকের খাটি.....

This is not the last straw on the camel's back. This budget has nothing more to criticise item by item. It is a budget that should be thrown out at once and replaced by a truly nation building budget of the most progressive type. The Finance Minister has very rightly hit upon the point of improving the taxable capacity of the people by developing the wealth and resources particularly in the field of agriculture and industry. But the command of his party is there to stifle any attempt on his part in this line and reduce his expectations to a dream. Each and every item of this curious budget which I think the Finance Minister has presented to the House just to please his party is sure to be passed by the "brute" party majority—the party crying against majority oppression may take note of it.

Sir, I again appeal to the Minister in charge to withdraw the budget, recast it to the best advantage of the common man of Bengal so that none may feel that he is unjustly ignored.

Mr. BIRENDRA KISHORE ROY CHOWDHURY: Sir, rising to speak on the budget before us, I regret I cannot congratulate the Hon'ble the Finance Minister. The financial position as set forth in his statement is not a satisfactory one. I would rather call it gloomy. It has been stated that under the revised estimates for the current year the deficit is likely to be more than 13 crores which, as this House should remember, represented before the war the total amount budgeted for in this province. In the coming year also my friend, the Hon'ble the Finance Minister, has not held out any prospect more satisfactory. In fact he has told us that he has already estimated a deficit of 6 crores, which, he warns us, is most likely to swell to 12 crores if the recommendations for increased salary scales for Government servants are to be given effect to. As the salary scales will have in any event to be revised, it may virtually be taken for granted that the Government will have to put in an extra expenditure of 5 to 6 crores or even more for this purpose. So there appears to be no doubt about it that the deficit in the coming year will be practically as large as the deficit with which the Government is confronted in the present financial year. No Government can look on with equanimity when it cannot find money sufficient to meet about one-third of its normal expenditure. The future of India as also of this province is of course on the knees of God. We do not know on what basis the relations between the Central Government of this province will be determined after a year from now. Whether in view of the coming changes negotiations with the Government of India which, the Hon'ble the Finance Minister states, have been started for readjustment of Bengal's financial position have any value, I do not know. But, Sir, I wish the Government of Bengal success in this regard.

I would not, Sir, go so much into what has been done or left undone in the current year. All that I would point out is that in the year which is now coming to a close the Government of India made available to Bengal 10 crores 45 lacs for working non-productive schemes of development and more than another one crore and a half for executing productive projects of development. Unfortunately, although Bengal requires development in every field, the Government has left unspent about 4 crores of this sum. It is still more unfortunate that a portion of the unspent amount could have been expended without any difficulty and this would have yielded results in the long run more productive than any other item of expenditure. I am referring, Sir, to the pittance of 10 lacs which was originally allotted for post-graduate research. It is regrettable that the money so allotted was not spent. In Irrigation, in Agriculture and in Civil Works also the

Government found it unable to work out the schemes. The year we have passed through has of course been abnormal but would I be ungenerous if I say that abnormal times require super-normal energy and drive on the part of those who constitute the Government.

In the year 1947-48 the total estimated expenditure is nearly 54 crores or four times as much as the expenditure in the year before the war. In those days we could not visualise that it would be the lot of a provincial Government like that of ours to have the privilege to undertake such a huge expenditure. Many people then thought that if a few more crores were at our disposal a new heaven and a new earth might possibly be created. But although we are now in for an expenditure four times as much there is hardly any likelihood of the face of this disfigured province being much improved by such a lavish expenditure. It is true that the value of the rupee is no longer what it was in those days. But all the same 54 crores is a huge sum, which, if expended on right lines might have resulted in some permanent benefit to the province. It is however unfortunate that the budget estimates as presented to us bear witness to the wrong angles from which the present Government of Bengal is approaching the problems that are before us.

First of all I may take up the Government policy in respect of development projects which it contemplates to undertake in the coming year. The total amount which has been earmarked for these purposes is near about 16 crores. Much if not the whole of it represents grants from the Government of India. Everybody who knows Bengal will at once admit the many sided improvement which this province requires in the immediate future. India herself is a backward country in most primary matters and due to neglect and indifference on the part of the Government and its administrators during the last twenty-five years this province has become more backward still than many other parts of India. While several other provinces like the Punjab, Madras, Bombay, United Province and even Bihar exploited fully the opportunities offered by the reform of 1919 and 1935 for constructive improvement, we let slip these opportunities and our conditions in matters of education, public health, agriculture, road-building and other primary subjects deteriorated from year to year. The war whose brunt fell most cruelly on this province and the famine of 1943 which the war brought along with it had left deep scars on the face of Bengal. Consequently, Sir, any money that is spent for purposes of development should be welcomed by all and sundry. Unfortunately we find that the 16 crores which the Government is intending to spend during the coming year will be spent virtually without any well-planned scheme behind the expenditure. Otherwise how is it possible that when more than a crore of rupees is being earmarked for educational development, not a farthing of it is devoted to University education and research. I have already referred, Sir, to the fact that in the budget estimate of 1946-47 there was a provision of 10 lakhs for Post-graduate research. But in the revised estimate it was cut and in the estimate for the coming year no such provision has been included. This is only an indication of the angle of vision from which Government policy is now being directed.

We find in the statement of the Finance Minister a reference of 10 lakhs for the Muslim education fund, 10 lakhs for the scheduled caste education fund and 16,000 for the Buddhist education fund. I do not grudge, Sir, the expenditure provided for under these heads. But I should emphasise that just as an education fund is necessary for the Muslims, for the scheduled castes and for the Buddhists, so it is equally necessary for the remainder of the people. It cannot be said that those Hindus who are not included in the scheduled castes are all of them so prosperous as to fend for themselves. Just as there are prosperous people now among the Muslims so there are prosperous people among the caste Hindus. But poverty and destitution

are unfortunately not confined to any community in this country. Why then this discrimination? A huge sum is again to be spent for developing the Islamia college on a new site for which 2 thousand acres of land are to be acquired. A provision of 4 lakhs has already been made to undertake civil works in this connection and many times more money will be spent to complete the scheme. I would not object to these better facilities for collegiate education among Muslims provided such facilities were placed within reach of the people of other communities as well. The Government is the Government of Bengal though its directory is now mostly composed of the Muslims and it is expected that it would look to the interests as much of the Muslims as of the Hindus. But it seems that the policy of the Government appears to be to pamper one community at the expense of the other. No Government can possibly proceed with such lines of action without arousing the deepest indignation of even the most sober section of the people who are being denied to-day all facilities for progress.

What is true of the Government policy in respect of education is also equally true in matter of medical aid. The only noticeable special grant which, my friend, the Hon'ble the Finance Minister mentions in his statement is the grant of 2 lakhs 36 thousand to the Islamia Hospital. This is again a very clear indication of the outlook of the Government which is now ruling Bengal. The Hon'ble the Finance Minister has with pleasure referred to the improvement which statistics show in respect of death rate in this province. Malaria and other diseases are reported not to have taken their due toll in the year under review. But I should point out, Sir, that the figures are still not such as to congratulate ourselves upon them. All the diseases are still there not only sweeping over vast tracts but also larking in other places in nooks and corners to take their toll circumstances may permit. Unfortunately, Sir, we find in the development projects for public health reference to only the insignificant sum of 96 thousand for malaria control in Bengal. I do not know what the Government will do with this sum. It is time that something more serious and more comprehensive was done by the Government for controlling malaria which is devitalising our people from year to year and making them increasingly unable to branch out into activities so necessary for making Bengal prosperous and progressive. The Government of Bengal should know of the activities of the Central Anti-malarial Society with its headquarters in Calcutta. I believe that Society could have claimed greater co-operation and assistance of the Government than it is receiving today. If public health in Bengal, Sir, is really to be improved and the people are to be given opportunities of leading a healthy life, more tinkering will be of no avail. I do not find in this budget any indication of a new scheme to be operated in this field. The basic plan still remains that which was introduced more than twenty years ago with results of which the Government of Bengal is certainly not proud. Meanwhile as every one knows the Government of India appointed a Committee for public health survey under the Chairmanship of Sir Joseph Blore. The report of that authoritative Committee has now been before the public for nearly two years. I want to know, Sir, if the Government of Bengal had considered the long term and short term consideration in this budget which is largely a development budget. A sum of one lakh of rupees for propaganda purposes will not certainly result in the people of Bengal being more public-health conscious. What can be done with only one lakh of rupees in the 26 districts each of which is almost with area and population of a small state. It is regrettable that neither a plan of its own has been formulated by the Government of Bengal nor has the plan formulated by the Blore Committee received any attention on its part.

Sir, I would not like to dilate further upon this budget which has left us deeply depressed. I wish this Government which is to all intents and purposes a Muslim League Ministry had shown a wider and a more liberal

outlook in framing the budget and in running the administration. There are many who would of course point out that a wide outlook and the basic tenets of the Muslim League are inconsistent. I, for one, Sir, while attaching a good deal of importance to the organisation to which I belong attach still more importance to the person himself. And I believe that men may always rise above the tenets of the organisation of which they are the torch-bearers. I expected therefore that my friend, the Hon'ble the Finance Minister and his colleagues would in presenting this Budget rise above the exigencies of party politics in Bengal and give every man his due. I wish however that in the future they will be working for a more liberal policy so as to make Bengal healthy, wealthy and contented.

Mr. NUR AHMED: Sir, with your permission I wish to make a few observations on the budget so ably presented by the Bengal's most young Finance Minister. Sir, I first congratulate the Hon'ble the Finance Minister on the presentation of the Budget which cannot but be described as a nation-building budget to a larger extent. This budget has been attacked from many aspects and I do not like to answer to all of them. I would like to say that members of this House feel very little enthusiasm over the discussion of the budget estimates because the constitution has given very little effective power over the finance of this province to this House. Ours is an academic discussion and therefore we do not feel very much enthusiasm over it.

My first point would be about the allocation of contribution to Bengal by the Centre. In this connection I would refer to that unjust and inequitable Meston Award. The Central Government was in difficulty and they wanted money from the provinces and Mr. Meston was deputed for this work. A report was submitted by him in which Bengal was very unjustly treated. It was calculated at that time that Centre got Rs. 28 crores from Bengal and it was given only 7 crores, i.e., 25 per cent while Madras about 8 crores, i.e., about 40 per cent, and Bombay and other provinces were given about 60 per cent. Bengal has the largest population and is one of the biggest industrial provinces with its big port of Calcutta. Bengal represented to India Government for some more contribution but no heed was paid to it. This question was again gone into by the Joint Parliamentary Sub-Committee when the question was raised before them and they also recommended that Bengal should receive special consideration from the Government of India but no heed was paid to that also, and the injustice to Bengal remained unremedied. Then came the Niemeyer's award. Before the Award was given Bengal had strongly presented her case. Even His Excellency the Governor of Bengal put up a very strong fight but the result was that only the share of the jute export duty was raised from 50 to 62 per cent, and 20 per cent. share of the divisible pool of income-tax was given to Bengal and as such Bengal was placed on a par with Bombay. Sir, Bombay has only less than half the population of Bengal. Such being the case how can Bengal be placed on a par with Bombay? Bengal contributes, according to some calculation, 28 crores to the Centre. According to other calculations, with surcharges and the excess profits tax she contributes about 33 crores or more of rupees as income-tax to the Centre. In return she will get only 7 crores out of this 28 or 33 crores or more. Sir, owing to this injustice her resources are crippled permanently and she is lagging behind and her many-sided needs cannot be fulfilled and cannot be ministered to. Had not the Hon'ble Finance Minister taken courage in both hands he could have balanced the budget by making drastic cuts under the head "Nation-Building Departments". Of course it reflects great credit on him that he was courageous enough to face the deficit in his budget and yet to provide larger sums under heads "Public Health", "Medical", "Agriculture" and "Education" and thereby providing more amenities and more comforts for the masses of Bengal. Surely he deserves thanks for this.

Sir, it will be said that the Bengal's budgets, both the revised budget for the current year and the budget for the coming year, show a deficit of 13 crores and 6 crores respectively, and it may be argued that this 6 crores deficit in the next year's budget may be enhanced to about 12½ crores or more because there remains the big items such as the recommendations of the Pay Commission, and these recommendations may increase the expenditure by 6 crores. There is also another item, the introduction of free and compulsory primary education in Bengal which according to Government estimates will cost the province 3 crores of rupees as capital and Rs. 80 lakhs as recurring cost. This has not been provided for in the budget. Sir, I strongly support the Finance Minister in his demand for the revision of financial settlement with Bengal by the Centre and also for subventions from the Centre to make up the deficit which they can justly claim from the Centre.

Sir, it is a known fact that jute is the monopoly of Bengal and the Centre realises more than 5 crores of rupees from Bengal as jute export duty. But Bengal gets back only, according to the present year's budget estimates, 2 crores 80 lakhs. If Bengal is given the full amount of the jute duty realised by the Centre then it will get more than 5 crores in all. Or if Bengal is given at least 40 per cent. of the income-tax realised from Bengal, then Bengal can easily make up its deficit.

Sir, I now come to two most important omissions in the budget. It will be said, and I think it has already been condemned, as to why there should be a provision for Muslim education. I have drawn a picture of Moslem education in this House more than once and I do not like to repeat at length the figures which will show the condition of Muslim education which is most miserable in Bengal. Sir, Bengal with its majority of Muslim population is lagging behind in the most important field of life, namely, education. Even in the most primary stage the Muslims are most backward. It may be said that according to the latest figures given in this House, about 17 lakhs of Muslim students are reading in the primary stages. If we analyse the figure, we find that 54 per cent. of Moslem students are in the primary stages and the number has dropped down to 26 per cent. in the middle stages—from 17 lakhs it has come down to 5 lakhs. In the higher stages, that is, up to the matriculation stage, we find that their number has come down to 70,000 from 17 lakhs. I ask honourable members of this House to realise the gravity of the situation and see how useful human material has been wasted, the energy and money spent on these 17 lakhs students. We also find that 17 lakhs have come down to 7 thousands in arts colleges.

This is the picture of Muslim education in Bengal, Sir, and if under these circumstances any extra money has been allotted for Muslim education I ask my nationalist friends on the other side to welcome this provision. It is said that in India there is only one nation and that the two-nation theory is wrong. In that view, Sir, I ask my nationalist friends with all respect if the Hon'ble Finance Minister has done anything wrong by allotting a special amount of money for a part of the nation. Sir, Muslims have suffered long for want of education. I may remind my nationalist friends again to read Muslim history and then learn what a magnificent and widespread system of education prevailed among the Muslims who once possessed India in the early days. I would ask them to read the resumption proceedings, I would ask them to read the history of the early British rule in India and in Bengal. What you will find is that the system of education which was provided for Muslim by the Muslim Government was very magnificent. You will find how unjustly the Muslims were treated in the matter of education under the British rule. There was a separate endowment of Rs. 3 crores for Muslim education in Bengal. It will be found in the book entitled "Discovery of India" written